PETER C. SHERIDAN - State Bar No. 137267
psheridan@glaserweil.com
CHRISTOPHER L. DACUS, SBN 238000
cdacus@glaserweil.com
JACOB P. RAGAN - State Bar No. 334310
jragan@glaserweil.com
GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, California 90067
Telephone: (310) 553-3000
Facsimile: (310) 556-2920

BENJAMIN HANELIN - -State Bar No. 237595
LATHAM & WATKINS LLP
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763

Attorneys for PETITIONERS AND PLAINTIFFS
Brinah Milstein and Roy Bank

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BRINAH MILSTEIN, an Individual and as Trustee of GLORY OF THE SNOW 1031 TRUST, a California trust, and ROY BANK, an individual,

Petitioners and Plaintiffs,

v.

THE CITY OF LOS ANGELES, and DOES 1-25, inclusive,

Respondents and Defendants.

Case No. 24STCP01469
Unlimited Jurisdiction

VERIFIED PETITION FOR A WRIT OF MANDATE UNDER CCP SECTIONS 1085 AND 1094.5 AND FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTIVE RELIEF

COMPLAINT FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF, FOR VIOLATIONS OF PROCEDURAL AND SUBSTANTIVE DUE PROCESS, AND FOR DECLARATORY AND OTHER RELIEF

INTRODUCTION

1. This case involves illegal and unconstitutional conduct and abuse of power by the City of Los Angeles with respect to the house where Marilyn Monroe occasionally lived for a mere six months before she tragically committed suicide 61 years ago. The City's abhorrent conduct included (a) violating its own Codes, (b) violating the City Council "motion" that furthered the illegal process whereby the City assured its outcome rather than remained neutral, (c) invoking an unconstitutional "stay" of Petitioners' vested rights to use City issued permits, (d) conspiring with third-parties (including for-profit tour operators and a local conservancy organization) to assure its desired outcome, (e) coordinating with an admittedly biased person to "act" as if she was an authorized agent of the City (though she was not and could not be), and (f) violating applicable law in numerous other respects with regards to the quasi-judicial process required for evaluation of alleged historic cultural monuments. All of these backroom machinations were in the name of preserving a house which in no way meets any of the criteria for an "Historic Cultural Monument." That much is bolstered by the fact, among others, that for 60 years through 14 owners and numerous remodels and building permits issued by the City, the City has taken no action regarding the now-alleged "historic" or "cultural" status of the house. The City's conduct, including blatant deceit regarding its behind-the-scenes dealings with biased third-parties to rig the process against Petitioners-Plaintiffs (including involvement of profiteering tour operators), has resulted in the City causing irreparable harm to Petitioners and Plaintiffs and depriving Petitioners' and Plaintiffs' of their vested rights as owners of real property.

2. Petitioners and Plaintiff bought the property in July 2023. They applied for and were issued a demolition permit and grading permit for the property from the City. The permits were "held" by the City for 30 days pursuant to LAMC section 91.106.4.5.1 to allow "preservation" and other objections to be made by the City and others. No objections were made and the permits were issued. Petitioners and Plaintiffs were entitled to use the validly issued demolition permit and grading permit issued by the City following the expiration of the 30-day hold period (LAMC section 91.106.4.5.1), and they relied on those permits and incurred over $30,000 in expenses before receiving actual notice of the "stay" the City illegally invoked.

3. In a spasm of activity on September 6 and 7, 2023, City staff, third parties, and the Council office in whose district the property was located "arranged" the desired outcome, namely to effectively but illegally invalidate the issued grading and demolition permits. Then, on September 8, 2023, the City initiated by motion its "Historic Cultural Monument" process for this property (the "Motion"). This "Motion" was initiated in plain violation of the Brown Act and Council Rule 23 and the City's own procedural requirements, relying on a patently unconstitutional ordinance (LAAC 22.171.12) "staying" these vested rights, without any evidence warranting "Historic Cultural Monument" designation to support the initial deprivation of the rights of Petitioners and Plaintiffs, and without any "due process" notice to the owners or an opportunity to be heard before the "stay" was invoked.

4. The City proceeded to compound the damage caused by the illegality of its Motion and related "stay" by violating its own initiating Motion, the requirement of the Code and the directives found therein. The Motion did not direct the Cultural Heritage Commission to investigate the status of the Property, as required for a Council-initiated nomination under LAAC Section 22.171.10. Instead, and in violation of City Code, the City Council drafted and adopted the Motion expressly directing the Planning Department to prepare an application for Nomination as a Historic Cultural Monument.

5. Then, in further violation of the Motion, its own rules, and applicable law, the City Planning Department arranged to have a Nomination prepared by a known biased third party, namely Heather Goers, who was made available to prepare the Nomination by the Los Angeles Conservancy and who also is a Board Member of Hollywood Heritage. The Los Angeles Conservancy and Hollywood Heritage *advocated* for designation of the Property *before and in connection with* the City's "nomination" process.

6. Petitioners and Plaintiffs are informed and believe and thereupon allege that Heather Goers was not under contract to the City to undertake this work as a City representative when this arrangement was made nor at any time during the process, and further that this arrangement was the result of the clear and stated efforts of the Los Angeles Conservancy, the City Planning Department and the Council Member (and her staff) who brought the Motion to the Council to "rig" the process

to nominate and designate the house as a Historic Cultural Monument in violation of the law. Heather Goers submitted the Nomination on behalf of the City of Los Angeles, which is designated as the "Applicant," after the Los Angeles Conservancy, the Planning Department, the Council office and other preservation advocates and for-profit tour operators secretly arranged to have Ms. Goers create the Nomination and advocate for it without legal authority, appointment, or contract to act and speak on behalf of the City. At no time during the process did the City, the Planning Department, the Council office, the Los Angeles Conservancy or other third parties disclose to the public or Petitioners and Plaintiffs the illegal arrangement entered into by the City, the Planning Department, the Council office or the Los Angeles Conservancy and other preservation advocates and for-profit tour operators to pre-ordain the process to designate the property as a Cultural Historic Monument.

7. In order to assure the desired outcome, namely designation, the City directed this delegation of the preparation of the Nomination to Ms. Goers rather than provide for one of the many historic consultants under contract to the City to prepare the Nomination or evaluate the Nomination in an unbiased manner as provided for by the City's approved contract form for Historic Preservation Studies, Survey and Related Services. As an advocate and *de facto* investigator for the City, Ms. Goers' bias and that of the Los Angeles Conservancy and Hollywood Heritage and other preservation advocates and for profit tour operators is imputed to the City and has infected the entire nomination process.

8. Ms. Goers' bias and the obvious and admitted bias of the Council Member's office and the Planning Department is revealed in numerous internal emails (obtained by Petitioners and Plaintiffs employing the Public Records Act). These same emails demonstrate a process corrupted by fraud, with the City misrepresenting the process as fair and unbiased in this quasi-judicial setting when it was the result of an illegal conspiracy with the Los Angeles Conservancy, for-profit tour operators and other purported "preservation" advocates, all done to achieve a pre-determined outcome from the very beginning.

9. The nomination process wound its way through hearings before the Cultural Heritage Commission and Planning and Land Use Management Committee, where the prior entirely

biased process was rubber-stamped every step of the way based on a Nomination prepared by biased parties and in contravention of the required process. And, the City further exacerbated the harm to Petitioners and Plaintiffs by knowingly ignoring the applicable criteria for "Historic Cultural Monument" designation during this process as well. Indeed, each body openly ignored the applicable criteria for "Historic Cultural Monument" designation.

10. The principal initiators of all this illegal conduct, the office of and staff members who report to Council Member Traci Park in whose district the Property is located, namely Sean Silva, Jeff Khau, Mark Amster, and Star Parsamyan, as well as Council Member Park likewise have evidenced that the Council Member has an unacceptable probability of bias, indeed a spoken and confirmed level of bias. Council Member Park's bias has permeated what is required by law to be an unbiased and procedurally and substantively fair and impartial process.

11. By way of example only, Councilmember Park held a press conference moments before bringing the Motion into Council, *advocating* for the designation. Apparently, Council Member Park so desperately wanted designation to occur that she was willing to represent (either by plan or inadvertence) inaccurately, at her press conference before the Motion was introduced, that certain claimed details of the house warranted designation when those "details" have not been part of the house for decades or were not added by Ms. Monroe. In particular, Council Member Park claimed at her press conference that "each detail of the home from its wooden beam ceilings to the tiles that she hand-picked on her Journeys from around the world … reflects her personal character." That statement is inaccurate in material respects – the "beams" predated Ms. Monroe's short tenancy by many years and the "tiles" were removed decades ago during City-permitted renovations.

12. As well, Council Member Park admitted during that same press conference the validly issued and vested nature of the permits, the City issued to Petitioner and Plaintiffs, indeed recognizing how hard it was (working "around the clock) to find a way to illegally take away those rights:

> "unfortunately the department of building and safety issued a demolition permit before my team and I could fully intervene and get this issue

resolved . . . this is unusual and it's all happened very fast. We learned about this at the same time the rest of the city learned about it and we have been working around the clock for about the last 48 hours to get this motion ready and to initiate this process."

13. Council Member Park repeated that performance, and made similar admissions, shortly after the Motion was adopted, recorded on what appears to be a staged TikTok video on the street just outside the Property, trumpeting the success of her efforts, although such efforts were unconstitutional and illegal when undertaken by her and her staff.

14. The City on April 2, 2024, through the admissions of the relevant Council member (in whose district the property is located), announced its intent to act in furtherance of these prior illegal acts, and thereby to conclude its process of irreparably harming Petitioners and Plaintiffs. Notwithstanding Petitioners' and Plaintiffs' efforts to convince the City to remedy the enormous problems its conduct created in letters and emails to the City as recently as April 15, 18, and 20, 2024, the City has utterly failed to respond. The City's announced intention on April 2 and the stonewalling by the City in response to Petitioners' and Plaintiffs' efforts to resolve the dispute, necessitated the filing of this petition and complaint and the Petitioners' and Plaintiffs' requests for immediate relief and remedies sought herein to prevent the irreparable harm to them from the City's continuing conduct.

15. It is without question that the process the City employed was invalid *ab initio*.

16. Virtually every recognized local neighborhood group in the area opposes the designation of the property as a "Historic Cultural Monument," among them the Brentwood Community Council (representing its 36,000 stakeholders), the Brentwood Homeowners Association, the South Brentwood Homeowners Association, the Brentwood Park Homeowners Association, and the Mandeville Canyon Association. Even the owners of the Estate of Marilyn Monroe have requested that the property not be designated an Historic Cultural Monument. The City has ignored all these fairly communicated resolutions of opposition in furtherance of its singular efforts to illegally "designate" the Property and in so doing irreparably and knowingly harm Petitioners and Plaintiffs.

17. Petitioners and Plaintiffs have exhausted extensive and all legally-required efforts to convey their objections to the likely designation and the illegal and *ultra vires* nature of the process described herein. Given the secret arrangements entered into by the City, the Los Angeles Conservancy, for-profit tour operators and other purported "preservation" advocates and the City's illegal, unconstitutional and *ultra vires* conduct, it would be futile for Petitioners and Plaintiffs to undertake any further effort to seek a remedy for their irreparable harm other than in this Court.

THE PARTIES

18. Petitioners and Plaintiffs are the Glory of the Snow 1031 Trust, a trust formed under the laws of California, and its trustee Brinah Milstein, and her husband Roy Bank, the Owners of 12305 5th Helena Drive in Los Angeles and the home immediately adjacent thereto ("Owners").

19. Respondent and Defendant The City of Los Angeles is a Municipal Corporation and a Charter City organized and existing under its own charter and codes and under the laws of the State of California.

20. Petitioners and Plaintiffs do not know the true names and capacities of Defendants Does 1 through 25, inclusive, and therefore sue them by their fictitious names. Petitioners and Plaintiffs allege that Defendants Does 1 through 25, inclusive, are jointly, severally and/or concurrently liable and responsible for the injuries set forth herein, acting on their own or as the agents of named Respondent and Defendant. Petitioners and Plaintiffs will amend this Complaint to insert the true names of the fictitiously-named Defendants when the same are ascertained.

JURISDICTION AND VENUE

21. Venue is proper because the actions challenged herein occurred and the property affected thereby is located in the county and judicial district in which this action is filed.

FACTS COMMON TO ALL CAUSES OF ACTION

22. In 2023, Owners purchased the private single-family home at 12305 5th Helena Drive in Los Angeles (the "Property") immediately adjacent to their existing home. They purchased it from the prior owner in order to combine the properties and expand their current home, which could include demolition of some or all of the dilapidated structures and other aged "improvements" on the Property.

23. Ms. Monroe occupied the house for less than 6 months in 1962 and in August 1962 committed suicide at the house. The Property has had 14 owners since Ms. Monroe's death in 1962 and since 1962 the City has issued over a dozen permits for various remodels of the house.

24. The house has been substantially altered since 1962. There is not a single piece of the house that includes any physical evidence that Ms. Monroe ever spent a day at the house, not a piece of furniture, not a paint chip, not a carpet, nothing.

25. The house is not visible from the public realm. The house cannot be accessed by any member of the public. No person can see the house or visit the house without trespassing on the Owner's property. The house cannot meet applicable criteria for a "Historic Cultural Monument" and cannot meet the requirement of "designation" to promote a valid public purpose.

Owners Acquire Vested Rights To Their Demolition and Grading Permits.

26. On September 7, 2023, The City of Los Angeles ("City") issued a demolition permit and a grading permit (the "Permits") to the Owners. The issued Permits each constituted a vested right under California law. Those permits are attached hereto as Exhibits A and B, respectively.

27. The City issued the Permits after the demolition permit, originally applied for by the Owner on July 31, 2023 (the date when appropriate mailed notice of the permit application occurred), had been put on temporary hold for 30 days (in accordance with LAMC 91.106.4.5.1). This temporary hold is designed for buildings which are more than 45 years old to allow the Department of Building and Safety to send mailed notice to neighbors who might be affected by the requested demolition, the relevant City Council Member's office (in this case, Council Member Park), and others to object and seek recourse. It is specifically designed to allow 30 days for parties to raise historic "preservation" issues.

28. The City recognized the "vested" rights this process creates in 2020 during an effort by one or more members of the City Council to extend the 30 day hold to 60 days to "help us [the City] to identify culturally significant buildings under threat of demolition, and protect these resources before they are lost forever,…" (Quoting Council Member Paul Koretz, *Curbed Los Angeles*, January 27, 2020.) The City ultimately declined to extend the hold period in 2020 (found in the official records of the City), reflecting the City's understanding of the need to address

"preservation" issues within the "hold" period or such objections are lost and at the very least subject to the "vested rights" of the party who applied for the permits and to whom the permits are issued.

29. Petitioners and Plaintiffs are informed and believe and thereupon allege that no objection was raised with the City during the 30 day period.

30. No City action could legally thereafter effect or alter the rights of the Owners with respect to the Permits.

31. The Permits were issued by the City in accordance with law on September 7, 2023.

The City's Illegal Conduct.

32. After the City had a ministerial duty to issue the Permits, a single letter dated September 6, 2023, authored by an admittedly biased third party "conservancy" group, was submitted to a Council Member Park whose district includes the Property. It set forth no evidence that might even arguably meet the requirements of a Los Angeles Historic Cultural Monument. That letter is attached as Exhibit C. That same group on September 6 emailed persons in City Planning (in particular Ken Bernstein) with an "Action Alert" alleging, falsely, that the "new owners" of the house on the Property "have filed plans build a new house on the site." (See Exhibit D, attached hereto.) In what appears to be one of the earliest emails sent to Council Member Park's staff on September 6, 2023 at 1:22pm, a *for-profit tour operator*, Richard Schave of Esotouric, LLC apparently trying to create or enhance a piece of lucrative business, emailed Jeff Khau and Sean Silva of Council Member Park's staff "alerting" them to the demolition permit "approved" by the City Department of Building and Safety on September 5, 2023. Mr. Schave for obviously mercenary reasons stated in that email "I am requesting a phone call with the two of you to discuss the feasibility of CM Park putting a motion on council floor to direct Office of Historic Resources [within the Planning Department] to initiate an HCM application." (See Exhibit E, attached hereto.) Staff and Council Member Park did just that, a mere forty hours later, knowing that in order to assure "designation" rather than engage in a fair process, they had to fix the outcome, and assure designation. They quickly determined how to do that.

33. Council Member Park's staff (Sean Silva and Jeff Khau) went into an immediate spasm of activity, notwithstanding the prior 61 years of inactivity with respect to this Property, in an effort to enlist designation supporters, to set up and assure the outcome of the process they might start to "preserve" the house.

34. Adrian Scott Fine, the "Senior Director of Advocacy" of the Los Angeles Conservancy at the time (and now President of the Conservancy), on September 7, 2023, at 10:52 am sent an email to three City Planners in the Office of Historic Resources (Lambert Giessinger, Ken Bernstein, and Melissa Jones) suggesting that if those planners and the Los Angeles Conservancy "get [Council District 11 – Council Member Park] to initiate the HCM [Historic Cultural Monument] process in time, we have someone good lined up that will write the nomination." (See Exhibit F attached hereto.) It would be contrary to the City Administrative Code and due process, and therefore illegal, for anyone "good lined up" by the Los Angeles Conservancy and not employed by the City or hired by the Cultural Heritage Commission to "write the nomination" initiated by a Council Member's office. Given the obvious public nature of the rules regarding the designation of an alleged "Historic Cultural Monument," it can be fairly said that the sender and the recipients knew the import of what Mr. Fine was proposing, and what these planners and the Council Member's office quickly adopted an illegal and biased process predicated on false promises of "fairness" to assure the "preservation" of something that the City and its planners, past and present, and the Los Angeles Conservancy as well, had ignored for the prior 61 years.

35. Numerous emails on September 7, 2023, flew back and forth between the staff of Council Member Park, the Planning Department, mercenary tour operators and so-called "preservationists," which included (among other things) references to meetings with and other emails to various City staff, all scrambling around to find any path, legal or otherwise, to "preserve the site."

36. After the 30 day hold period expired and in violation of Petitioners' and Plaintiffs' vested rights in the permits, by a motion of the City Council on September 8, 2024 ("Motion" attached as Exhibit G) based on no evidence supporting designation and no prior notice to

Petitioners and Plaintiffs and no opportunity granted to them by the City to be heard, the City Council voted in favor of the following motion:

> **FURTHER MOVE** that the Council initiate consideration of the property located at 12305 5th. Helena Drive, Los Angeles, CA 90049, as a City Historic-Cultural Monument **under the procedures set forth in Section 22.171.10 of the Administrative Code**, and **instruct the Planning Department to prepare the Historic Cultural Monument application for review and consideration by the Cultural Heritage Commission**. (emphasis added)

37. In so adopting the motion, the City purported to invoke a "stay" on the demolition permit under Los Angeles Administrative Code section 22.171.12 pending further proceedings. (See Exhibit H attached hereto.) In adopting the Motion, the City committed multiple violations of law. It purported to take away a vested right, under the guise of invoking a "stay," with no notice and opportunity to be heard to Petitioners and Plaintiffs before the "stay" was imposed, with no evidence supporting the action that took that right, let alone substantial evidence, and thus in turn the City committed a prejudicial abuse of discretion. No later "post-hoc" proceeding could remedy the City's abject failure prior to adopting the Motion to comply with the most basic due process rights of Petitioners and Plaintiffs.

38. That "stay" took effect as a result of the illegal decision of the City Council and as a consequence thereof the City has deprived Owners of their vested rights due to the circumstances that preceded and followed that initial illegal act, described more fully herein.

39. Advanced by this conspiracy between and among City staff and third-parties outside the City to ignore the law, to harm the vested rights of Petitioners and Plaintiffs, and to proceed toward designation regardless of the taint of bias, the first part of the City's plan was then complete.

40. The second part of the City's plan, again aided by this conspiracy, then commenced. The Motion did not proceed according to the Code requirements for a Council-initiated nomination of an Historic Cultural Monument, which requires investigation by the Cultural Heritage Commission. Instead, in violation of Section 22.171.10 the adopted Motion directed the Planning

Department to prepare a "Nomination." And, as it turned out, the Planning Department did not even prepare the Nomination as instructed by the Council Motion, and thus compounded the prior illegal acts with further illegal conduct in furtherance of assuring, in violation of law, the "designation" of the Property. Revealed in the documents Petitioners and Plaintiffs obtained from the City under their Public Records Act requests, the Planning Department staff has on more than one occasion admitted that this "process" started on September 8, 2023 was a "City Council initiated" process, thus recognizing the separate set of rules that applied to such a process while actively and intentionally violating that same set of rules.

41. In particular, in violation of the Code, the Motion, and the law, the Planning Department first coordinated with a biased third-party advocate who was arranged, in contravention of law, to file the Nomination on behalf of the City by the Los Angeles Conservancy and who is on the Board of Hollywood Heritage, the party which submitted the initial letter to Council Member Park's office on September 6, 2023, in order for her to prepare the so-called "Nomination" for review and consideration by the Commission.

42. Rather than conducting an independent unbiased review of the alleged Historic Cultural Monument status of the Property as required by the Code and due process, the City Council Motion, and the law, the Planning Department and Commission improperly delegated to and had that Nomination for Historic Cultural Monument *on behalf of the City as the "Applicant"* prepared by a known biased person who was not a member of the Planning staff and who was not under contract to the Planning Department as an unbiased investigator.

43. That person who prepared the Nomination is identified on the application for Nomination on behalf of the City to the Commission is Heather Goers. (See Exhibit I attached hereto at p. 4.) Ms. Goers is a member of the Board of Directors of Hollywood Heritage, and was arranged to be the "drafter" by the Los Angeles Conservancy, and both organizations actively advocated for preservation of the Property as a "historic cultural monument" before the City Council initiated its Motion on September 8, 2023. Among other things, Hollywood Heritage submitted a letter to Council Member Park "urg[ing Councilmember Park] to take action to prevent the

demolition of 12305 5th Helena Drive." (Hollywood Heritage, "New Preservation", Letter from Brian Curran to Councilmember Traci Park (September 6, 2023); Exhibit C attached hereto.)

44. Ms. Goers was illegally empowered by the City to act as an agent for the City to prepare and file the Nomination on behalf of the City, contrary to the City's Code and applicable law.

45. Remarkably, and demonstrating the planned bias of the City in arranging for Ms. Goers to file the Nomination on behalf of the City, the Planning Department bypassed a number of historic preservation consultants under contract to provide as needed consulting services to the City to review the Council initiated nomination. As set forth in emails Petitioners and Plaintiffs obtained under their Public Records Act requests, and as hidden by the City prior to such revelation, Ms. Goers "volunteered" to do the Nomination for free, such was communicated to the Planning Department by the "Advocacy Director" for the Los Angeles Conservancy Mr. Fine, and Plaintiffs and Petitioners are informed and believe and thereupon allege that the Planning Department encouraged Ms. Goers to do so. The Planning Department agreed to have Ms. Goers prepare the "Nomination" on behalf of the City as the Applicant, obviously recognizing her organization's prior advocacy and desiring the same conclusion, manifesting illegal bias *per se*.

46. Admitting "the fix was in," on September 12, 2023, Mr. Fine emailed Planning Department staffers Mr. Giessinger and Ms. Jones and reported back to them that "I'm copying Heather Goers who is available and has agreed to prepare the HCM nomination…If this sounds ok to proceed, Heather is able to submit a draft nomination to OHR by October 2…Does this sound like a good plan and timeline?" (See Exhibit J attached hereto.) Mr. Fine has publicly acknowledged the bias of Council Member Park's staff, when, after he had spurred that staff to action then arranged for the free and biased assistance of Ms. Goers, he conveyed his "thanks [to] Councilmember Park for initiating the Historic-Cultural Monument (Historic Cultural Monument) process. We will continue working with Park's office to ensure the Cultural Heritage Commission and City Council take this important house under consideration for historic protections." (See Los Angeles Conservancy, Marilyn Monroe's House, Exhibit K attached hereto, at p. 4 - - emphasis added.)

47. The second part of the conspiracy, furthering the City's plan starting on September 6, to illegally stay and then designate the Property, was now complete – the admittedly biased but falsely-represented "unbiased" preservationist was now ready to help achieve the predetermined outcome by writing a nomination the outcome of which was assured.

48. After the City purportedly delegated to her powers that legally cannot and should not have been delegated and as the third part of the City's plan, Ms. Goers prepared the nomination in exactly the biased and pre-determined manner as the City desired. Ms. Goer's affiliation with both organizations, Hollywood Heritage and Los Angeles Conservancy, further evidences that the City intended the process to be biased for designation and against Petitioners' and Plaintiffs' vested rights.

49. In an abject abuse of power, Council Member Park's staff, on September 16, 2023, in an effort to see if the unconstitutionally obtained "stay" was being violated by the Owner, acted on the basis of nothing more than a rumor and on obviously illegally gathered "evidence." In this regard, Council Member Park's staff contacted the LAPD to determine if the "stay" was being violated by Petitioners and Plaintiffs (it was not). The City "learned" of this rumor of an alleged violation from an email sent to Sean Silva, a member of Council Member Park's staff. The email referenced the illegal trespass by "Scott Fortner," who runs a business called the "Marilyn Monroe Collection," who flew a drone over the Property (or commissioned one "Steve Lucero" to fly a drone over the property) and reported his "findings" (as false as they were) through another person to Mr. Silva. (See Exhibit L attached hereto at pp. 1 and 3.) Petitioners and Plaintiffs are informed and believe and thereupon allege that neither Mr. Silva, nor anyone else at the City, did anything to attempt to corroborate that false claim before sending the LAPD to the Property, and no one at the City, in their zeal to accomplish the designation, did anything to investigate, report or punish Mr. Fortner or Mr. Lucero for the obvious trespass of Petitioners' and Plaintiff's property.

50. The City's bias against Petitioners and Plaintiffs is transparent -- simply because they undertook efforts to exercise their vested rights, and City undertook efforts to illegally deny them those rights, the City believed unsupported rumors based on "evidence" gathered illegally (and

admittedly so) which motivated Council Member's staff to direct the LAPD to "investigate" Petitioners' and Plaintiffs' conduct.

51. While preparing the nomination, Ms. Goers admitted in emails she sent to City staff (obtained by Petitioners and Plaintiffs under their Public records Act requests) that she looked to the Planning Department staff, already corrupted as part of this push for designation, to review and make any changes they wanted to what should have been her independent and unbiased report. Instead, her nomination application was merely another act in furtherance of a continuing fraud on Petitioners and Plaintiffs and the public more generally. (See Exhibit M attached hereto.)

52. As expected in any process so tainted by bias, the Planning Director's report to the Commission based the entirety of its recommendation on the biased and illegal Nomination prepared by Ms. Goers on behalf of the City in violation of the Code mandated process and in violation of the directives in the Motion as well.

53. Setting in stone the City's commitment to proceed down this illegal and unconstitutional path, confirming the futility of further contesting this designation at the upcoming City Council meeting, and otherwise confirming the urgency of the Court's action on this Petition and Complaint, on Tuesday April 3, 2024, Council Member Traci Park (in whose district the Property is located) provided an interview to KABC-7 TV news in which she said, among other things, "**I can't imagine any home in the City of Los Angeles more worthy of this designation**…" – see the following weblink to verify Council Member Park's admissions -- https://abc7.com/marilyn-monroe-former-brentwood-home-could-become-historical-landmark/14607966/.

54. The City therefore has acted *ultra vires* and otherwise in violation of law by having the Nomination prepared by someone not a City employee or authorized under contract to provide services for historic preservation review ***and*** having a known bias on the issue of the designation of the Property, instead of conducting an independent review, or frankly any legally proper review, contrary to the City Council Motion and applicable law.

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The Urgency of the Requested Relief.

55. At the Cultural Heritage Commission hearing the primary presentation of the "Nomination" was made by Ms. Goers, the very person who sits on the Board of Hollywood Heritage and whom was arranged to write the very Nomination by the Los Angeles Conservancy.

56. After the Commission "rubber stamped" the Nomination on January 18, 2024, the City Planning and Land Use and Management Committee ("PLUM Committee") heard the matter, again with virtually the sole evidence in support being the Nomination submitted by the third party Board member of Hollywood Heritage and drafter designated by the Los Angeles Conservancy, and the PLUM Committee voted on March 5, 2024, to recommend Historic Cultural Monument status for the Property. Each body openly ignored the applicable criteria for "Historic Cultural Monument" designation.

57. The City Council has until June 16, 2024 to approve Historic Cultural Monument status for the Property. That date is 90 days after the action of the Commission on January 18, 2024 plus a 60 day extension which was initiated and agreed to by Petitioners and Plaintiffs to allow the City further time to provide an appropriate remedy for its actions. In particular, on April 3, 2024, the Owner sent a letter to the City consenting to such an extension to attempt to (and notwithstanding their vested rights) seek a proper remedy from the City. The City adopted a motion on April 15, 2024, agreeing to this extension. After consenting to the extension, Plaintiffs and Petitioners received from the City documents under the Public Records Act laying out in full detail the pre-arranged conspiracy by the Council office, City Planning, The Los Angeles Conservancy, for-profit tour operators and others to deprive the Plaintiffs and Petitioners of their rights in violation of the law.

58. This timeline of expected City action, and the continued violation of Owners' rights, has created the urgency of this complaint and the needed redress and remedies sought herein. That is especially so given that since agreeing to the 60 day extension process initiated by Petitioners and Plaintiffs, the City has taken no action to alleviate the harm it has already done, heeded no advise and direction from Petitioners and Plaintiffs or the community surrounding the Property to resolve

this dipsute, and yielded to no set of facts detailing the continued harm to Petitioners and Plaintiffs and their neighbors arising from the City's actions.

59. In particular, the City's illegal and very-public designation efforts have incited dramatically increased and unwanted visitors to the Property, placing the safety of Petitioners and Plaintiffs, their children, and their neighbors at risk. By way of example only, as-yet unidentified persons have tried to enter the Property without permission, as recently as April 28, 2024, and Petitioners were compelled to call the Police. Tour buses have dropped off people to observe the Property, obstructing access to and from the narrow street leading to the Property. Others have parked their cars in front of the Property to look over the gate and fence. A person recently parked their car in front of the Property and reached into the mailbox of Petitioners and Plaintiffs. Other as-yet unidentified persons have also treated the Property as a forum for creating social media and filming "content," some of whom have placed Marilyn Monroe cardboard cutouts against the gates to film and take pictures. Another apparent fan stood directly in front of the security camera of Petitioners and Plaintiffs to display their Marilyn Monroe jacket. The family even had to call the Police on April 8, 2024, because yet another person was displaying erratic movements and waiving whips violently towards the Property, with a visibly sharp object in their plastic bag. That same person returned to the Property three times in 24 hours (even after the Police told the person to leave), trying to open door knobs on the family's gates, and the neighboring gate, before eventually leaving again.

60. Moreover, the City's designation efforts have prompted persons to send threats of harm and malicious statements to the Petitioners and Plaintiffs via the US Postal Service and on social media.

61. The City's public designation efforts have created and contributed to these unsafe conditions and continue to cause irreparable harm to Petitioners and Plaintiffs, requiring court intervention. Although not presently calculable, and in any event not providing an adequate remedy for the harm inflicted, the City's wrongful conduct detailed herein has caused and will cause Petitioners and Plaintiffs damages, in addition to all other forms of damages they have and will suffer due to the City's conduct, including loss of use, loss of substantial value in the Property, and

1 other damages and professional fees associated with and arising in connection with and/or related to
2 impairment, taking, and/or deprivation of the Petitioners' and Plaintiffs' vested rights in and to the
3 Permits.

4 **There Is No Evidentiary Basis for "Historic Cultural Monument" Status of the Property.**

5 62. The City did not possess at the time this process was initiated on September 8, 2023,
6 any evidence that could even arguably meet the requirements for designation of this Property as an
7 Historic Cultural Monument.

8 63. The City has since staked its claim to Historic Cultural Monument status for this
9 Property on the 157 day off-and-on and obviously temporary occupancy of the house by Marilyn
10 Monroe (March to August 1962) including at the time of her death by suicide. While she owned the
11 Property, Ms. Monroe's actual residence was in New York City. During her time of ownership of
12 the Property Ms. Monroe spent substantial time in New York, Mexico, Palm Springs, and Lake
13 Tahoe. In fact, following Ms. Monroe's death, New York was determined by several courts,
14 including the Los Angeles Superior Court, to be her residence and domicile.

15 64. Preliminarily, for properties associated with those in the entertainment industry, and
16 recognizing that "[t]here are many hundreds of residential properties in Los Angeles associated with
17 persons in the entertainment industry," the City has provided guidance to inform which properties
18 may actually be eligible for Historic Cultural Monument designation, drawing from the National
19 Park Service's guidelines and bulletins, in particular at City of Los Angeles, Los Angeles Citywide
20 Historic Context Statement (Oct. 2017), p. 27 ("City of LA Guidance"). Indeed, the City has
21 acknowledged that "[n]ot all of these resources [residential properties associated with persons in the
22 entertainment industry] are significant under this theme." (Id.)

23 65. As to the criteria adopted by the City, there are two key factual inquiries. First, an
24 individual's association with the property "must be connected to the specific period when he or she
25 made his or her contributions." (NPS, *National Historic Landmarks Eligibility*
26 https://www.nps.gov/subjects/nationalhistoriclandmarks/eligibility.htm); see also NPS, *Bulletin 32:
27 Guidelines for Evaluating and Documenting Properties Associated with Significant Persons* ("NPS
28 Bulletin 32"), p. 16 ["Eligible properties generally are those associated with the productive life of

the individual in the field in which (s)he achieved significance"]; City of LA Guidance, p. 28.) Thus, this criterion (Criterion 2) "is generally restricted to those properties that illustrate (rather than commemorate) a person's important achievements." (NPS, *How to Apply the National Register Criteria for Evaluation*, p. 14.) "Associations that, by themselves, would generally not be sufficient to qualify a property as an important representation of a person's historic significance include ownership . . . or other types of brief or tangential relationships." (NPS Bulletin 32, p. 15.)

66. Second, nominations for properties relying on such Criterion 2 "must be compared to other similar properties to identify the one that possesses the strongest association with a person's contributions." (NPS, *National Historic Landmarks Eligibility*; see also NPS Bulletin 32, p. 20, emphasis added.) "The length of residency is often an important factor when assessing similar properties." (NPS, *National Historic Landmarks Eligibility*.) Under the City of LA Guidance, an eligible residential property must be "[t]he long-term residence, estate, or multi-family property of a significant person in the entertainment industry." (City of LA Guidance, p. 28, emphasis added.)

67. Under applicable City Guidance, and following the NPS Bulletin, the preparer of the nomination for Historic Cultural Monument status bears the burden of providing clear and concrete documentation that explains (at a minimum) how the Property represents the individual's significant contributions to the film industry. (NPS Bulletin 32, p. 18.) The City cannot meet this burden, for a number of reasons, including the following:

a. Ms. Monroe's productive life within the film industry spans from 1950 to 1960 at the latest—*before* she purchased the Property. Thus, the Property is not directly connected to the specific period representing Ms. Monroe's productive life as an actor.

b. Ms. Monroe completed filming her final film, *The Misfits*, in 1960, which was released early in the following year (1961).

c. Throughout 1961 and into 1962, Ms. Monroe experienced a series of health and personal issues that led to the decline in her productive life in film. During that same time, she traveled frequently between New York and Los Angeles to spend time in New York with Arthur Miller, her husband, until their divorce in 1961.

d. Ms. Monroe was fired from a production filming in Los Angeles in June 1962 for repeated absences.

e. Over her thirty-six years, Marilyn Monroe lived in fifty-seven different residences.

f. During her years as an actor before her death, Ms. Monroe lived at more than seventeen places—over a dozen residences alone during Ms. Monroe's productive life in film from 1950 to 1961.

g. Ms. Monroe purchased the Property on February 8, 1962, although she did not move in until sometime in March. Moreover, until her death in early August 1962, Ms. Monroe repeatedly traveled back to New York, as well as to other locations: February 17 – Ms. Monroe travelled from New York to Florida; February 20 – Ms. Monroe travelled from Florida to Mexico; March 2 – Ms. Monroe travelled from Mexico to Los Angeles; March 24 – Ms. Monroe visited Palm Springs; April 13 – Ms. Monroe returned to New York; April 16 – Ms. Monroe travelled from New York to Los Angeles; May 17 – Ms. Monroe returned to New York; May 20 – Ms. Monroe travelled from New York to Los Angeles; July 28-29 – Ms. Monroe visited Lake Tahoe.

h. Multiple state and federal courts in New York and California have all concurred that Ms. Monroe's residence at the time for her death and before was 444 East 57th Street in New York City, not at the Property.

i. Ms. Monroe considered her New York apartment to be her actual residence—not the Property. Multiple parties testified in judicial proceedings that Ms. Monroe had no intention of living at the Property, other than as a temporary place to stay while Ms. Monroe was filming a movie. In fact, Ms. Monroe was photographed and filmed hundreds, if not thousands, of times coming in and out of 444 East 57th Street. Because Ms. Monroe's New York apartment is most strongly associated to her productive life than is the Property, the Property *per se* fails to satisfy Criterion 2.

j. Following Ms. Monroe's death, her estate was probated in New York. Her estate asserted that her domicile and residence was New York, specifically 444 East 57th

Street. The New York court agreed. The Superior Court of Los Angeles, State of California, concurred. As did the State of California Franchise Tax Board and Ninth Circuit Court of Appeal. Rulings in these litigations confirm that 444 East 57th Street, New York was Ms. Monroe's permanent residence.

k. The City determined in 2015, involving another one of the many short-time residences of Ms. Monroe, namely 5268 Hermitage (where she lived from April 1944 to summer of 1945), that "[t]hough [Ms. Monroe] did reside at the subject property when she was first discovered in December of 1944, she only resided at the property for one year and did not live in the unit during the productive period of her career." (See Case No. CHC-2015-2179-Historic Cultural Monument [5258 N. Hermitage, Dougherty House], Exhibit N attached hereto.) Staff recommended denial of Historic Cultural Monument status for that residence because of the lack of connection of that residence to the "productive period" of Ms. Monroe's career.

68. The Cultural Heritage Commission held a hearing on the Nomination on January 18, 2024. The Nomination was presented by Heather Goers purportedly on behalf of the City of Los Angeles. In fact, Ms. Goer's asked, prior to the hearing, whether her presentation was time limited and staff responded that she was not time limited as this was a City-initiated process, requiring adherence to those particular rules (that the City had already violated). Moreover, at the January 18, 2024, hearing, Ms. Goers (a) acknowledged her affiliation with advocacy groups supporting designation, (b) incredulously claimed that she had not even read the letters submitted by Hollywood Heritage advocating for designation (she sits on the Board of Directors of Hollywood Heritage), (c) did not reveal that the Los Angeles Conservancy, the Planning Department, and Council Member Park's office arranged for her to do the "nomination" for free, and (d) asserted that she was employed by the City Department of Cultural Affairs which has no involvement in the Historic Cultural Monument process. .

69. Comments from Cultural Heritage Commission Commissioners affirm the entire lack of evidence to warrant any Historic Cultural Monument designation of the Property. (The comments on the audio can be found at a City Planning website.)

70. At the Cultural Heritage Commission hearing on January 18, 2024, one Commissioner stated that he would vote in favor of designation because Ms. Monroe is “a little bit different” from other famous people. (CHC Hearing (Jan. 18, 2024), 1:09:23.) The same Commissioner justified designation because he felt “moved” in her bedroom, which he called her “death room,” when the Cultural Heritage Commission conducted a site visit at the Property. (Id., at 1:09:40).

71. Another Cultural Heritage Commission Commissioner stated that she could not vote against the designation because such a vote would be equivalent to voting against designating Walt Disney’s home – a comparison that finds no basis in the applicable legal standards for Historic Cultural Monument designations. (See id., at 1:11:40.)

72. A third Cultural Heritage Commission Commissioner emphasized that she believed Ms. Monroe would recognize the Property as it exists today – which is not a factor that is relevant to Historic Cultural Monument eligibility. (See id., at 1:12:35; City of LA, “Guidelines for Evaluating Resources Associated with Significant Persons in Los Angeles (Nov. 2018), p. 7; NPS Bulletin 32, pp. 22-23.)

73. And, a fourth Commissioner commented that he “lived in New York City in 1962” and that neither he nor his friends “considered her [Ms. Monroe] a New Yorker,” notwithstanding that he was fully informed when he made that statement that several courts after extensive factual presentation had necessarily determined New York to be Ms. Monroe’s residence in 1962 and at the time of her death.

74. Accordingly, in these comments of the Commissioners can be found the manifest failure of the Cultural Heritage Commission to admit evidence warranting designation, or confront the truth of Ms. Monroe’s court-adjudicated New York residency status. None of these comments relate in any way to fulfillment of any lawful criteria for Historic Cultural Monument designation and all of which show the departure from the law wrought by the City and its organs during this entire process,

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75. The Property is associated with Ms. Monroe because she died there, not because she lived there during her productive life in film. In fact, the association of the Property with Ms. Monroe largely occurred after her death, and because of her death.

76. In the end, it is improper, and certainly outside the boundaries of the law, to make something an "Historic Cultural Monument" because a tragic suicide took place within the confines of a house on the Property. While that may be a great "fact" for the for-profit tour operators who conspired with the City to bring about the initiating Motion and the plainly biased process and pre-determined outcome thus far, such is not a proper basis for determining Historic Cultural Monument status.

The Harm to the Neighborhood and to the Owners and to their Rights from Historic Cultural Monument Designation of the Property.

77. Designation of the Property would necessarily result in the continued presence of the residence on the Property exactly where it is today – on private property, behind a privacy gate and fence, not viewable from the public realm, and inaccessible to members of the public. No public purpose is served by any such designation. Designating it as an Historic Cultural Monument will cause the surrounding area to be transformed (even more so than the "designation process" has made it) into an ongoing tourist attraction, further endangering the safety and peace and quiet of the community (see KABC-TV News link in paragraph 53, above).

78. Designation will also put the Petitioners and Plaintiffs and nearby residents at risk to intruders and others seeking to access and see the Property and the house thereon. Numerous people have already tried to enter the property without permission and have trespassed on it, including as recently as April 28, 2024, when several persons actually scaled the wall and stood on top of it, images of which were captured by Petitioners, and which trespass forced Petitioners and Plaintiffs once again to summon the police.

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FIRST CAUSE OF ACTION

(FOR ISSUANCE OF A WRIT OF MANDATE UNDER CODE OF CIVIL PROCEDURE SECTION 1085 AND FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF TO PRESERVE AVAILABLE REMEDIES UNDER SECTION 1085)

79. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 78 as if set forth in full herein.

80. Under section 1085 of the Code of Civil Procedure, the trial court reviews the City's conduct to determine whether the City's action was arbitrary, capricious, or entirely lacking in evidentiary support, contrary to established public policy, unlawful, procedurally unfair, or whether the agency failed to follow the procedure and give the notices the law requires.

81. The City had a ministerial duty to issue and then allow Petitioners to employ their vested rights under the Permits, and to allow Petitioners the opportunity to proceed unabated in their demolition and grading that were the subjects of and within the scope of the Permits.

82. On September 8, 2023, the City initiated by its Motion its "Historic Cultural Monument" process for this property as part of a grand plan to "arrange" the outcome of designation and in plain violation of the City's own procedural requirements and relying on a patently unconstitutional ordinance (LAAC 22.171.12) "staying" these vested rights, without any evidence to support the initial deprivation of the rights of Petitioners and Plaintiffs, and without any "due process" notice to the owners and an opportunity to be heard.

83. The City initiated a process under LAAC 22.171.10 without any support in the law or facts, and without making any showing that the Property should be designated an Historic Cultural Monument under applicable law and under the City's own guidelines.

84. The City acted in a manner not authorized by law, and in violation of its own directives, codes, and applicable law in an effort to deny to Petitioners the benefits of the Permits and to deny to them the opportunities they were entitled to under applicable law.

85. The City's intention in proceeding in an unconstitutional manner and in violation of applicable law, and motivating the City to initiate a process after the expiration of the 30 day "hold"

period in violation of law, was that the City realized that Petitioners' rights had vested and the City needed to do something, *ultra vires* and in excess of its jurisdiction and in violation of applicable law if need be, to attempt stop Petitioners from the proper use of the Permits. The comments of Council Member Park evidence this improper intention and motive and abuse of power.

86. Irreparable harm will result to Petitioners if the Court does not act immediately, after the manipulated and biased process leading up to and manifested in the "Motion" has unquestionably harmed.

87. Petitioners have no available administrative remedies.

88. Petitioners have no plain, speedy, or adequate remedy at law.

89. Accordingly, Petitioners are entitled to a writ of mandate or other appropriate relief, including a temporary restraining order and a preliminary injunction to preserve the availability of their remedies under section 1085 by injunction, declaration, and order, compelling Respondent City to restore to Petitioners the use and enjoyment of their properly issued Permits, directing the City to not enforce LAAC 22.171.12 against these Petitioners or against any Petitioners similarly situated and in possession of issued permits and vested rights, and recognizing Petitioners' claim of a vested right to demolish pursuant to such Permit the improvements on the Property and to grade the Property, all as set forth and described in the Permits.

SECOND CAUSE OF ACTION

(FOR ISSUANCE OF A WRIT OF MANDATE UNDER CODE OF CIVIL PROCEDURE SECTION 1085 AND FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF TO PRESERVE AVAILABLE REMEDIES UNDER SECTION 1085)

90. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 89 as if set forth in full herein.

91. Under section 1085 of the Code of Civil Procedure, the trial court reviews the City's conduct to determine whether the City's action was arbitrary, capricious, or entirely lacking in evidentiary support, contrary to established public policy, unlawful, procedurally unfair, or whether the agency failed to follow the procedure and give the notices the law requires.

92. The City had a ministerial duty to issue and then allow Petitioners to employ their vested rights under the Permits, and to allow Petitioners the opportunity to proceed unabated in their demolition and grading that were the subjects of and within the scope of the Permits.

93. On September 8, 2023, the City initiated by its Motion its "Historic Cultural Monument" process for this property in plain violation of the City's own procedural requirements and relying on a patently unconstitutional ordinance (LAAC 22.171.12) "staying" these vested rights, without any evidence to support the initial deprivation of the rights of Petitioners and Plaintiffs, and without any "due process" notice to the owners and an opportunity to be heard.

94. The City initiated a process under LAAC 22.171.10 without any support in the law or facts, and without making any showing that the Property should be designated an Historic Cultural Monument under applicable law and under the City's own guidelines.

95. The City acted in a manner not authorized by law, and in violation of its own directives, codes, and applicable law in an effort to deny to Petitioners the benefits of the Permits and to deny to them the opportunities they were entitled to under applicable law.

96. The City's intention in proceeding in an unconstitutional manner and in violation of applicable law, and motivating the City to initiate a process after the expiration of the 30 day "hold" period in violation of law, was that the City realized that Petitioners' rights had vested and the City needed to do something, *ultra vires* and in excess of its jurisdiction and in violation of applicable law if need be, to attempt stop Petitioners from the proper use of the Permits. The comments of Council Member Park evidence this improper intention and motive and abuse of power.

97. After it initiated that process in violation of law, the City exacerbated the harm to Petitioners by (among other things) improperly and illegally delegating acts that must be done in an unbiased manner to an inherently biased third party.

98. On April 2, 2024, a member of the City Council who made the original Motion on September 8, 2023, even went so far as to announce her expected outcome of the as yet not calendared vote regarding designation, revealing yet again the inherent bias of the City's entire "designation" process against Petitioners and demonstrating that it would be futile for Petitioners to undertake any further efforts, other than in Court, to protect their vested rights.

99. Irreparable harm will result to Petitioners if the Court does not act immediately, after the manipulated and biased process created and furthered by the City has unquestionably harmed Petitioners but before a "final" decision by the City Council on the now-tainted nomination.

100. Petitioners have no available administrative remedies.

101. Petitioners have no plain, speedy, or adequate remedy at law.

102. Accordingly, Petitioners are entitled to a writ of mandate or other appropriate relief, including a temporary restraining order and a preliminary injunction to preserve the availability of their remedies under section 1085 by injunction, declaration, and order, compelling Respondent City to restore to Petitioners the use and enjoyment of their properly issued Permits, directing the City to not enforce LAAC 22.171.12 against these Petitioners or against any Petitioners similarly situated and in possession of issued permits and vested rights, and recognizing Petitioners' claim of a vested right to demolish pursuant to such Permit the improvements on the Property and to grade the Property, all as set forth and described in the Permits.

THIRD CAUSE OF ACTION

(FOR ISSUANCE OF A WRIT OF MANDATE UNDER CODE OF CIVIL PROCEDURE SECTION 1094.5 AND FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF TO PRESERVE AVAILABLE REMEDIES UNDER SECTION 1094.5)

103. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 102 as if set forth in full herein.

104. "Quasi-judicial" or "adjudicative acts," namely acts that involve the actual application of a rule to a specific set of existing facts, are reviewed by administrative mandamus under Code of Civil Procedure section 1094.5.

105. In an action to set aside the City's action under Code of Civil Procedure section 1094.5, the standard to apply is whether a prejudicial abuse of discretion has occurred. Abuse of discretion occurs if the City has not proceeded in a manner required by law, or if its decision is not supported by substantial evidence.

106. The proceedings initiated by the City to "nominate" the Property for "Historic Cultural Monument" status, the improper delegation to Ms. Goers of the responsibility of the Cultural Heritage Commission on a Council-initiated nomination, the so-called staff report prepared in connection with and "hearings" and "investigation" by the members of the Cultural Heritage Commission, the Planning and Land Use Management Committee proceedings, and all other steps along the way since September 8, 2023, have been focused on achieving the improper, illegal, and unsupportable "designation" of the Property as a Historic Cultural Monument.

107. Petitioners are informed and believe and thereupon allege that no Council-initiated nomination for Historic Cultural Monument status has ever failed to achieve a final "yes" vote at the City Council.

108. Further effort by Petitioners contesting in any remaining administrative proceedings the City's efforts to so designate the Property, by and through and including any "final decision" by the City Council, would be a futile act for Petitioners, since the City has guaranteed and announced the outcome of that "vote" at every step along the way and every level of this process.

109. Through a continuing course of illegal and unconstitutional conduct as described more fully herein the City has guaranteed that a process infected with bias achieve the City desired end of designating the Property as a "Historic Cultural Monument."

110. Accordingly, Petitioners are entitled to a writ of mandate or other appropriate relief, including a temporary restraining order and a preliminary injunction to preserve the availability of their remedies under section 1094.5 and halt by writ, injunction, declaration, and order, the continuing illegal and unconstitutional designation efforts of the City initiated on September 8, 2023, compelling Respondent City to restore to Petitioners the use and enjoyment of their properly issued Permits, recognize Petitioners' claim of a vested right to demolish, pursuant to such Permits, the improvements on the Property and to grade the Property, all as set forth and described in the Permits.

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FOURTH CAUSE OF ACTION

(FOR ISSUANCE OF A WRIT OF MANDATE UNDER CODE OF CIVIL PROCEDURE SECTION 1094.5(b) AND FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF TO PRESERVE AVAILABLE REMEDIES UNDER SECTION 1094.5(b))

111. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 110 as if set forth in full herein.

112. Quasi-adjudicative administrative actions are reviewed under administrative mandamus procedures. An appropriate inquiry in such cases includes "whether there was a fair trial." Code Civ. Proc. § 1094.5(b).

113. Applicable law prohibits biased public officials from participating in a quasi-adjudicative or adjudicative decision. If such occurs, the Court may invalidate the decision.

114. Given Petitioners' vested and other rights in the Permits, no proceedings to revoke, stay, or otherwise effect those rights should have taken place, nor may any such proceedings take place, that did not or does not require an adjudicative decision by the City, before unbiased decision makers, after notice to Petitioners and an opportunity to be heard, based on evidence in the record, predicated on and in accordance with applicable law and the City's codes and rules, and without the taint of prior bias or illegal or unconstitutional conduct.

115. On the contrary, by way of example only and as happened here, the City's entire course of conduct is infected with unconstitutional and illegal behavior, taken with no notice or an opportunity to be heard and based on no evidence at the initiating Motion, predicated on an unenforceable and unconstitutional "stay" ordinance, commenced by an admittedly biased "adjudicator" (Council Member Park) determined to guarantee the outcome she desired and admitting as much directly before bringing the Motion to Council, with improper and illegal delegation of City duties to an admittedly biased person preparing the "report," all compelling the City's efforts to improperly pre-determine and thus designate the Property as a Historic Cultural Monument.

116. By way of further example only, the City has a substantial relationship with the Los Angeles Conservancy and Hollywood Heritage, evidenced by (among other things) the improper delegation to its Director Ms. Goers of the duty to prepare the Nomination, that supports an unacceptable probability of actual bias. The biased third party (Ms. Goers) improperly delegated (by the City) with the task of preparing the Nomination for submission to the Cultural Heritage Commission, and who appeared before the Commission and advocated for the Property's status as a Historic Cultural Monument, is the designated person by the Los Angeles Conservancy to prepare the Nomination for a prescribed result of designation and who is a member of the Board of Directors of Hollywood Heritage which also actively advocated for preservation of the Property as a historic monument before the City Council initiated its motion on September 8, 2023. Hollywood Heritage submitted a letter to Councilmember Park "urg[ing Councilmember Park] to take action to prevent the demolition of 12305 5th Helena Drive." (Hollywood Heritage, "NewPreservation", Letter from Brian Curran to Councilmember Traci Park (September 6, 2023); available at: https://www.hollywoodheritage.org/new-preservation.) In addition, Adrian Scott Fine, then the "Senior Director of Advocacy" of the Los Angeles Conservancy (now President), on September 7, 2023, at 10:52 am sent an email to three City Planners (Lambert Giessinger, Ken Bernstein, and Melissa Jones) suggesting that if those planners and the Los Angeles Conservancy "get [Council District 11 – Council Member Park] to initiate the HCM [Historic Cultural Monument] process in time, we have someone good lined up that will write the nomination." (See Exhibit F attached hereto.)As the person directed by the Los Angeles Conservancy to prepare the Nomination, Ms. Goers could not have been, and could never be, the disinterested unbiased investigator required by the September 8, 2023, City Council approved motion to advise on the Historic Cultural Monument status, or lack of status, of the Property.

117. Accordingly, Petitioners were denied their fundamental right to a fair and impartial adjudicatory hearing in violation of section 1094.5(b) of the Code of Civil Procedure. Petitioners are thereby entitled to a writ of mandate or other appropriate relief, including a temporary restraining order and a preliminary injunction to preserve the availability of their remedies under section 1085 and halt by writ, injunction, declaration, and order, the continuing illegal and

unconstitutional designation efforts of the City initiated on September 8, 2023, compelling Respondent City to restore to Petitioners the use and enjoyment of their properly issued Permits, and recognizing Petitioners' claim of a vested right to demolish, pursuant to such Permits, the improvements on the Property and to grade the Property, all as set forth and described in the Permits.

FIFTH CAUSE OF ACTION

(Violation of Substantive and Procedural Due Process under the California Constitution, Article I, sec. 7, regarding Preparation of the Nomination)

118. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 117 as if set forth in full herein.

119. The combination of investigative and adjudicatory functions, as was done here by the City, within a single agency, namely the Cultural Heritage Commission, can give rise to a due process violation where there is a showing of a probability of bias.

120. The City has a substantial relationship with the Los Angeles Conservancy and Hollywood Heritage, evidenced by (among other things) the improper delegation to its Director Ms. Goers of the duty to prepare the Nomination, that supports an unacceptable probability of actual bias.

121. The biased third party improperly delegated (by the City) with the task of preparing the Nomination for submission to the Cultural Heritage Commission, and who appeared before the Commission and advocated for the Property's status as a Historic Cultural Monument, is the designated person by the Los Angeles Conservancy to prepare the Nomination for a prescribed result of designation and who is a member of the Board of Directors of Hollywood Heritage which actively advocated for preservation of the Property as a historic monument before the City Council initiated its motion on September 8, 2023. Accordingly, that person could not have been, and could never be, the disinterested unbiased investigator required by the September 8, 2023, City Council approved motion to advise on the Historic Cultural Monument status, or lack of status, of the Property.

122. In particular, Hollywood Heritage submitted a letter to Councilmember Park "urg[ing Councilmember Park] to take action to prevent the demolition of 12305 5th Helena Drive." (Hollywood Heritage, "NewPreservation", Letter from Brian Curran to Councilmember Traci Park (September 6, 2023); available at:https://www.hollywoodheritage.org/new-preservation.) The person who prepared the Nomination as directed by the Los Angeles Conservancy and submitted it to the Commission is Heather Goers, a director of Hollywood Heritage and an admitted advocate for Historic Cultural Monument designation for this Property.

123. Adrian Scott Fine, then the "Senior Director of Advocacy" of the Los Angeles Conservancy (now President), on September 7, 2023, at 10:52 am sent an email to three City Planners (Lambert Giessinger, Ken Bernstein, and Melissa Jones) suggesting that if those planners and the Los Angeles Conservancy "get [Council District 11 – Council Member Park] to initiate the HCM [Historic Cultural Monument] process in time, we have someone good lined up that will write the nomination." (See Exhibit F attached hereto.) It would be contrary to the City Administrative Code, and therefore illegal, for anyone "good lined up" by the Los Angeles Conservancy and not employed by the City or hired by the Cultural Heritage Commission to "write the nomination" initiated by a Council Member's office.

124. The "Nomination" of this Property for Historic Cultural Monument status, prepared by such a person with obvious and known bias, who asserted she acted on behalf of the City but in fact had no authority to do so, given the task to prepare the nomination in violation of the very Motion that initiated this entire process and in order to achieve the desired outcome regardless of the facts, violates the California Constitution's guarantee of substantive and procedural due process, since it is a process once initiated by the City that was inherently biased against the person to be harmed by the process, intending that such persons, Owners here, be harmed by that process by reason of the deprivation of their vested rights and absent any form of a fair or impartial hearing.

125. Petitioners and Plaintiffs are therefore entitled to temporary, preliminary and permanent injunctive relief against the City, precluding the City from enforcing any claimed "stay" of Petitioners' and Plaintiffs' Permits that was based on the illegal initiation of that process and the

biased and illegal furthering of that process, and mandating the restoration of those Permits, thereby allowing them to proceed to exercise their vested rights.

126. Petitioners and Plaintiffs have no adequate, available and speedy remedy absent such injunctive relief and they will suffer irreparable harm without such relief.

SIXTH CAUSE OF ACTION

(Violation of Substantive and Procedural Due Process under the California Constitution, Article I, sec. 7, regarding The City's Invocation of A "Stay" of the Permits)

127. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 126 as if set forth in full herein.

128. The City submitted no evidence of any kind in support of its motion, dated September 8, 2023, to initiate the "Historic Cultural Monument process" and thereby purport to invoke a "stay" of Owners' Permits under LAAC 22.171.12. Accordingly, it would be unfair and without basis in law or fact for the City to initiate the process, further the process, or culminate the process for designating the Property an Historic Cultural Monument.

129. LAAC 22.171.12 on its face violates the due process rights of Owners and all other persons like them because it purports to give the City Council, without requiring any showing at all of the merits of the claimed Historic Cultural Monument status of a property, unlimited power to simply write down in a motion that a property might be entitled to Historic Cultural Monument status, pass such a motion by majority vote, and take away, temporarily or permanently, the vested rights of a person holding a demolition or other permit under the guise of a "stay." Accordingly, that ordinance is facially unconstitutional.

130. Moreover, as applied here, the City's invocation of LAAC 22.171.12 with respect to Owners' Permits violated their due process rights because the City Council under that provision could "stay" and thereby take, temporarily or permanently, the vested rights of Owners who held the Permits without (among other requirements) making any showing at all of merits of the claimed Historic Cultural Monument status of the Property, resulting in the unlimited power exercised unlawfully by the City here to simply write down in the September 8, 2023 motion that the Property

might be entitled to Historic Cultural Monument status, pass such a motion by majority vote as occurred, and harm Owners as they were harmed.

131. Petitioners and Plaintiffs are therefore entitled to temporary, preliminary and permanent injunctive relief against the City, precluding the City from further enforcing any claimed "stay" of Petitioners' and Plaintiffs' Permits, and mandating the restoration of those Permits, thereby allowing them to proceed to exercise their vested rights.

132. Petitioners and Plaintiffs have no adequate, available and speedy remedy absent such injunctive relief and they will suffer irreparable harm without such relief.

SEVENTH CAUSE OF ACTION

(Violation of Procedural and Substantive Due Process under the California Constitution, Article I, sec. 7, regarding The City's Improper Delegation of Its Investigative and Fact-Gathering Function to An Inherently Biased Third Party)

133. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 132 as if set forth in full herein.

134. Under the City's September 8, 2023, Motion, the following was directed by the City to occur: "that the Council initiate consideration of the property located at 12305 5th. Helena Drive, Los Angeles, CA 90049, as a City Historic-Cultural Monument under the procedures set forth in Section 22.171.10 of the Administrative Code, and instruct the Planning Department to prepare the Historic Cultural Monument application for review and consideration by the Cultural Heritage Commission." (emphasis added)

135. The City did not proceed according to the Code requirements for a Council-initiated nomination of an Historic Cultural Monument, which requires investigation by the Cultural Heritage Commission. Instead, the City directed the Planning Department in the above-quoted motion to prepare a Historic Cultural Monument nomination. Neither the Cultural Heritage Commission, a Commission sub-committee, nor Planning staff conducted any inspection or investigation before receiving the biased Nomination. Nor did the City's Planning Department prepare the Nomination as instructed by the Council Motion, rather they allowed the person as directed by the Los Angeles Conservancy and the Board member of Hollywood Heritage to prepare the nomination

(notwithstanding that the City could have and should have called on any one of the numerous parties it has under contract to prepare unbiased assessments).

136. Rather, the Planning Department engaged in a process manifestly not authorized by the Code, the City Council Motion, or due process. In violation of the Code, the Motion, and the law, the Planning Department coordinated with biased third-party advocates to improperly delegate to a biased person the task of preparing the so-called "Nomination" for review and consideration by the Commission. Instead of conducting an independent non-biased review of the alleged Historic Cultural Monument status of the Property as required by the Code, the City Council Motion, and the law, the Planning Department and Commission had that Nomination for Historic Cultural Monument status prepared by a biased third party who is not a City employee and who is not under contract to the Planning Department as an unbiased investigator. The Planning Department has a number of City approved firms under contract who can conduct Historic Cultural Monument investigations and prepare reports, which the Planning Department chose not to use as to this Nomination.

137. Accordingly, the City acted contrary to its own adopted September 8, 2023 motion, unlawfully violated its responsibility to have the Commission conduct the investigation, instead delegated to a biased third party the responsibility to prepare such nomination, and thereby exacerbated the other constitutional violations set forth herein by creating and furthering a process inherently aimed at designating as an Historic Cultural Monument a property that in no way bears any of the hallmarks nor meets the criteria of an Historic Cultural Monument.

138. Petitioners and Plaintiffs are therefore entitled to temporary, preliminary and permanent injunctive relief against the City precluding the City from further enforcing any claimed "stay" of Petitioners' and Plaintiffs' Permits and from furthering the process initiated and continued in violation of law, and mandating the restoration of those Permits, thereby allowing them to proceed to exercise their vested rights.

139. Petitioners and Plaintiffs have no adequate, available and speedy remedy absent such injunctive relief and they will suffer irreparable harm without such relief.

EIGHTH CAUSE OF ACTION

(DECLARATORY RELIEF)

140. Petitioners and Plaintiffs hereby incorporate the allegations set forth in paragraphs 1 through 139 as if set forth in full herein.

141. Petitioners and Plaintiffs have been harmed by the unlawful and unconstitutional actions of the City as alleged above. Petitioners and Plaintiffs are informed and believe that the City contends that it has acted lawfully and has not harmed Petitioners and Plaintiffs. Accordingly, a dispute exists requiring a declaration of the rights of the parties.

142. Petitioners and Plaintiffs are entitled to a declaration of their rights, and declarations of the constitutional violations by the City that have harmed them, in the following respects:

a. Petitioners have vested rights in and to the Permits.

b. LAAC 22.172.12 is unconstitutional on its face and as applied.

c. The City's September 8, 2023, motion as approved mandated a procedure be followed that was not followed, and thus the City acted illegally in violation of its own directives and *ultra vires*.

d. The City's code and applicable law required the Commission to undertake the investigation and did not provide for the Planning Department to have a separate nomination prepared by a biased interested party.

e. The City and its Cultural Heritage Commission proceeded not in accordance with law or the Motion.

f. The City proceeded not in accordance with law and in furtherance of its initial unlawful efforts in order to achieve its desired outcome of designating the Property as an Historic Cultural Monument.

g. Further efforts by Petitioners to exhaust administrative remedies, if any, would be futile in light of the above-described acts of the City.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and Petitioners pray for judgment as follows:

1. As to the First, Second, Third and Fourth Causes of Action, for issuance of a writ of mandate and other appropriate relief, including a temporary and preliminary injunction, declaration, or order, compelling Respondent City to comply with its ministerial duties under the law and halt all further efforts to deprive Petitioners of their vested rights and otherwise to restore to Petitioners the use and enjoyment of their properly issued ministerial Permits.

2. As to the Fifth, Sixth and Seventh Causes of Action, for entry of temporary, preliminary and permanent injunctive relief stopping the City from furthering the historic cultural monument designation process initiated and continued in violation of law and mandating the restoration of those Permits, thereby allowing Petitioners and Plaintiffs to proceed to exercise their vested rights.

3. As to the Eighth Cause of Action, for a declaration of the Rights of Petitioners as specified in paragraph 142.

4. For costs of suit and, if allowed by statute, attorney's fees.

5. For such other and further relief as may be just and proper.

DATED: May 3, 2024

GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP

LATHAM & WATKINS LLP

By: ______________________________
PETER C. SHERIDAN
CHRISTOPHER L. DACUS
JACOB P. RAGAN
Attorneys for Plaintiffs and Petitioners

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Glaser Weil

VERIFICATION

I, Brinah Milstein, certify and declare as follows:

1. I have read the foregoing Verified Petition For A Peremptory Writ Of Mandate Under CCP Section 1085; Complaint For Temporary Restraining Order And Preliminary And Permanent Injunctive Relief, For Violations Of Procedural And Substantive Due Process, And For Declaratory And Other Relief and know its contents.

2. I am the trustee of the Glory of the Snow 1031 Trust, and in that capacity, I am duly authorized to execute this Verification on behalf of Glory of the Snow 1031 Trust. I also make this verification on my own behalf.

3. Based on information and belief, I declare under penalty of perjury under the laws of the State of California and the United States that the matters stated in the foregoing Verified Petition For A Peremptory Writ Of Mandate Under CCP Section 1085 and 1094.5; Complaint For Temporary Restraining Order And Preliminary And Permanent Injunctive Relief, For Violations Of Procedural And Substantive Due Process, And For Declaratory And Other Relief are true and correct.

Executed this 3rd day of May, 2024, at Los Angeles, California.

By: ______________________

Brinah Milstein

VERIFICATION

I, Roy Bank, certify and declare as follows:

1. I have read the foregoing Verified Petition For A Peremptory Writ Of Mandate Under CCP Section 1085; Complaint For Temporary Restraining Order And Preliminary And Permanent Injunctive Relief, For Violations Of Procedural And Substantive Due Process, And For Declaratory And Other Relief and know its contents.

2. I make this verification on my own behalf.

3. Based on information and belief, I declare under penalty of perjury under the laws of the State of California and the United States that the matters stated in the foregoing Verified Petition For A Peremptory Writ Of Mandate Under CCP Sections 1085 and 1094.5; Complaint For Temporary Restraining Order And Preliminary And Permanent Injunctive Relief, For Violations Of Procedural And Substantive Due Process, And For Declaratory And Other Relief are true and correct.

Executed this 3rd day of May, 2024, at Los Angeles, California.

By: ______________________

Roy Bank

EXHIBIT A

12305 W 5th helena Dr

Permit #: **23019 - 30000 - 03126**
Plan Check #: B23WL01996 Printed: 09/07/23 11:20 AM
Event Code:

Bldg-Demolition
1 or 2 Family Dwelling
Plan Check at Counter
Plan Check

City of Los Angeles - Department of Building and Safety

APPLICATION FOR INSPECTION TO DEMOLISH BUILDING OR STRUCTURE

Issued on: 09/07/2023
Last Status: Issued
Status Date: 09/07/2023

1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
TR 5462		20		M B 58-71/72	129B141 38	4405 - 040 - 005

3. PARCEL INFORMATION

Baseline Mansionization Ordinance - Yes
LADBS Branch Office - WLA
Council District - 11
Census Tract - 2640.00
District Map - 129B141
Energy Zone - 6
Hillside Grading Area - YES
Thomas Brothers Map Grid - 631-G4
Area Planning Commission - West Los Angeles
Community Plan Area - Brentwood - Pacific Palisades
Near Source Zone Distance - 0

ZONES(S): RS-1

4. DOCUMENTS

ZI - ZI-2192 Specific Plan: West Los An
ZI - ZI-2462 Modifications to SF Zones :
SPA - West LA Transportation Improver
ORD - ORD-129279
ORD - ORD-129992
ORD - ORD-163205
ORD - ORD-171227
ORD - ORD-171492
ORD - ORD-186108
CPC - CPC-16829-A
CPC - CPC-2005-8252-CA
CPC - CPC-2014-1457-SP
BMO - Yes

5. CHECKLIST ITEMS

Sewer Cap - Permit Required

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):
GLORY OF THE SNOW 1031 TRUST ANI 60 RIO SALADO PKWY STE 1103 TEMPE AZ 85281

Tenant:

Applicant: (Relationship: Other)
JASON UNGAR - PO BOX 25542 LOS ANGELES CA 90025 (818) 300-5580

7. EXISTING USE
(01) Dwelling - Single Family
(07) Garage - Private
(22) Storage Building

PROPOSED USE
(23) Demolition

8. DESCRIPTION OF WORK
Demolition of single family dwelling with attached garage, pool house and storage. Sewer cap and pedestrian protectio fence required.----1 OF 2----

9. # Bldgs on Site & Use:

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Carolean Basma DAS PC By:
OK for Cashier: Chris Johnson Coord. OK:
Signature: Date: 09/07/2023

For inspection requests, call toll-free **(888) LA4BUILD (524-2845)**, or request inspections via **www.ladbs.org.** To speak to a Call Center agent, call **311**. Outside LA County, call (213) 473-3231.

For Cashier's Use Only **W/O #: 31903126**

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation: $10,000 PC Valuation:

FINAL TOTAL Bldg-Demolition	260.48
Permit Fee Subtotal Bldg-Demolit	165.00
Plumbing	42.90
Plan Check Subtotal Bldg-Demolit	0.00
E.Q. Instrumentation	1.30
D.S.C. Surcharge	6.28
Sys. Surcharge	12.55
Planning Surcharge	9.90
Planning Surcharge Misc Fee	10.00
Planning Gen Plan Maint Surcharg	11.55
CA Bldg Std Commission Surchar	1.00
Permit Issuing Fee	0.00

Sewer Cap ID: Total Bond(s) Due:

WL RKHACHAT 09/07/23 11:10:30 AM

Payment Date: 09/07/23
Receipt No.: 2023250002-8
Amount: $260.48
Method: Visa

Building Card No.: 2023WL02336

12. ATTACHMENTS

CEQA Bldg Demolition Notice
Demo Affirmation Posting
Owner-Builder Declaration
Plot Plan

* 0 8 0 0 1 2 3 0 1 9 3 0 0 0 0 0 3 1 2 6 F N *

13. STRUCTURE INVENTORY (Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value") **23019 - 30000 - 03126**

(P) Residential Floor Area: -2097 Sqft / 0 Sqft
(P) Dwelling Unit: -1 Units / 0 Units
(P) R3 Occ. Group: -2097 Sqft / 0 Sqft
(P) U Occ. Group: -400 Sqft / 0 Sqft

14. APPLICATION COMMENTS:

[1] Permit #1966WL64845 [2] Notices mailed on: 7/31/23 [3] Sewer cap: Required [4] Pedestrian protection: Fence [5] Method of Demo: Handwrecking [6] DPI: 23019-30000-03016

In the event that any box (i.e. 1-16) is filled to capacity , it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

15. BUILDING RELOCATED FROM:

16. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS		CLASS	LICENSE #	PHONE #
(O) OWNER-BUILDER	60 RIO SALADO PKWY, 1103	TEMPE, AZ 85281		0	

PERMIT EXPIRATION/REFUNDS: This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inpection within 60 days of receiving a request for final inspection (HS 17951).

17. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (Section 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500).):

( ) I, as the owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or imrove for the purpose of sale).

OR

( ) I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)

18. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

( ) I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

( ) I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: ______________________ Policy Number: ______________

( ) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES

19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at www.aqmd.gov. Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-5323 or www.dhs.ca.gov/childlead.

20. FINAL DECLARATION

I certify that I have read this application **INCLUDING THE ABOVE DECLARATIONS** and state that the above information **INCLUDING THE ABOVE DECLARATIONS** is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not auhorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

(1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration/ Lead Hazard Warning, and Final Declaration; and

(2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: Sign: Date: **09/07/2023** [X] Owner [X] Authorized Agent

INSPECTION RECORD

Your feedback is important, please visit our website to complete customer Survey at **www.ladbs.org/LADBSWeb/customer-survey.jsf**
If you would like to provide additional feedback, need clarification, or have any question regarding plan check or inspection matters, please call our Customer Hotline at (213) 482-0056

For use by cashier only

2023WL02336
9/7/2023 12:00:00AM
rkha 2023250002-8
23019-30000-03126 Final

PERMIT NO : 23019-30000-03126

ADDRESS : 12305 W 5TH HELENA DR

WORK DESC : DEMOLITION OF SINGLE FAMILY DWELLING WITH ATTACHED GARAGE, POOL HOUSE AND STORAGE. SEWER CAP AND PEDESTRIAN PROTECTIO FENCE REQUIRED.----1 OF 2----

INSPECTION RECORDS AND PLANS MUST BE AVAILABLE DURING INSPECTION

GRADING INSPECTIONS		
TYPE	DATE	INSPECTOR
Initial Grading		
Toe or Bottom		
Soils Report Approved		
DO NOT PLACE FILL UNTIL ABOVE IS SIGNED		
Backfill		
Fill		
Excavation		
Drainage Devices		
Rough Grading		
Approved Compaction Report		
FOOTING INSPECTIONS		
Footing Excavation		
Forms		
Reinforcing Steel		
OK to place concrete		
GROUNDWORK INSPECTIONS		
Electrical		
Plumbing		
Plumbing Methane		
Gas Piping		
Heating & Refrigeration		
Fire Sprinklers		
Disabled Access		
Methane		
OK to Place Floor		
DO NOT PLACE FLOOR UNTIL ABOVE IS SIGNED		
ROUGH INSPECTIONS		
Green Code		
Electrical		
Plumbing		
Fire Sprinkler		
Heating & Refrigeration		
Roof Sheathing		
Disabled Access		
Framing		
Insulation		
Suspended Ceiling		
OK to Cover		

FOR INSPECTION REQUESTS, PLEASE CALL **3-1-1**
OR OUTSIDE CITY OF LOS ANGELES
888-LA4-BUILD (888)524-2845 or www.ladbs.org

DO NOT COVER UNTIL PREVIOUS IS SIGNED		
TYPE	DATE	INSPECTOR
Exterior Lathing		
Interior Lathing		
Drywall		
DO NOT COVER UNTIL ABOVE IS SIGNED		
WORK OUTSIDE OF THE BUILDING		
Electrical Underground		
Gas		
Heating & Refrigeration		
Sewer		
Disabled Access		
POOL INSPECTIONS		
Excavation		
Reinforcing Steel		
Bonding		
Piping		
Pre-Gunite		
Deck		
Enclosure/Fence		
Pool/Spa Cover		
DO NOT FILL POOL UNTIL ABOVE IS SIGNED		
FINAL INSPECTIONS		
Grading		
Electrical		
Plumbing		
Gas Test		
Gas		
Heating & Refrigeration		
Pressure Vessels		
Elevator		
Fire Sprinkler		
Disabled Access		
Green Building		
LAFD (Title 19 only)		
LAFD Fire Life Safety		
Pool Final		
AQMD sign-off provided		
Public Works		
Building		
PROJECT FINAL		

Certificate of Occupancy Required ☐ **YES** ☐ **NO**

B-8 Card rev. 111811

EXHIBIT B

12305 W 5th helena Dr

Permit #: **23030 - 30000 - 04877**
Plan Check #: B23WL01996 Printed: 09/07/23 11:19 AM
Event Code:

Grading
1 or 2 Family Dwelling
Plan Check at Counter
Plan Check

City of Los Angeles - Department of Building and Safety

APPLICATION FOR GRADING PERMIT AND GRADING CERTIFICATE

Issued on: 09/07/2023
Last Status: Issued
Status Date: 09/07/2023

1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
TR 5462		20		M B 58-71/72	129B141 38	4405 - 040 - 005

3. PARCEL INFORMATION

Baseline Mansionization Ordinance - Yes
LADBS Branch Office - WLA
Council District - 11
Census Tract - 2640.00
District Map - 129B141
Energy Zone - 6
Hillside Grading Area - YES
Thomas Brothers Map Grid - 631-G4
Area Planning Commission - West Los Angeles
Community Plan Area - Brentwood - Pacific Palisades
Near Source Zone Distance - 0

ZONES(S): RS-1

4. DOCUMENTS

ZI - ZI-2192 Specific Plan: West Los An
ZI - ZI-2462 Modifications to SF Zones :
SPA - West LA Transportation Improver
ORD - ORD-129279
ORD - ORD-129992
ORD - ORD-163205
ORD - ORD-171227
ORD - ORD-171492
ORD - ORD-186108
CPC - CPC-16829-A
CPC - CPC-2005-8252-CA
CPC - CPC-2014-1457-SP
BMO - Yes

5. CHECKLIST ITEMS

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):
GLORY OF THE SNOW 1031 TRUST ANI 60 RIO SALADO PKWY STE 1103 TEMPE AZ 85281

Tenant:

Applicant: (Relationship: Other)
JASON UNGAR - PO BOX 25542 LOS ANGELES CA 90025 (818) 300-5580

7. EXISTING USE

PROPOSED USE
(70) Grading - Hillside

8. DESCRIPTION OF WORK
Remove existing pool shell and backfill with certified fill.----2 OF 2----

9. # Bldgs on Site & Use:

For inspection requests, call toll-free **(888) LA4BUILD (524-2845)**, or request inspections via **www.ladbs.org.** To speak to a Call Center agent, call **311**. Outside LA County, call (213) 473-3231.

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Carolean Basma DAS PC By:
OK for Cashier: Chris Johnson Coord. OK:
Signature: Date: 09/07/2023

For Cashier's Use Only **W/O #: 33004877**

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation: 100 cu yd PC Valuation:

FINAL TOTAL Grading	205.20
Permit Fee Subtotal Grading	160.00
Plan Check Subtotal Grading	0.00
D.S.C. Surcharge	4.80
Sys. Surcharge	9.60
Planning Surcharge	9.60
Planning Surcharge Misc Fee	10.00
Planning Gen Plan Maint Surcharg	11.20
Permit Issuing Fee	0.00

Sewer Cap ID: Total Bond(s) Due:

WL RKHACHAT 09/07/23 11:10:29 AM

Payment Date: 09/07/23
Receipt No.: 2023250002-8
Amount: $205.20
Method: Visa

Building Card No.: 2023WL02335

12. ATTACHMENTS
Owner-Builder Declaration Signed Declaration
Plot Plan

* 0 8 0 0 1 2 3 0 3 0 3 0 0 0 0 0 4 8 7 7 F N *

13. STRUCTURE INVENTORY (Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value") **23030 - 30000 - 04877**

(P) Fill: 100 Cuyd
(P) Import: 100 Cuyd

14. APPLICATION COMMENTS:

GPI under 23030-30000-04713.

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

15. BUILDING RELOCATED FROM:

16. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS		CLASS	LICENSE #	PHONE #
(O) OWNER-BUILDER	60 RIO SALADO PKWY, STE 1103	TEMPE, AZ 85281		0	

PERMIT EXPIRATION/REFUNDS: This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inpection within 60 days of receiving a request for final inspection (HS 17951).

17. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (Section 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500).):

( ) I, as the owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or imrove for the purpose of sale).

OR

( ) I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)

18. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

( ) I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

( ) I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: ____________________ Policy Number: ____________________

( ) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES

19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at www.aqmd.gov. Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-5323 or www.dhs.ca.gov/childlead.

20. FINAL DECLARATION

I certify that I have read this application **INCLUDING THE ABOVE DECLARATIONS** and state that the above information **INCLUDING THE ABOVE DECLARATIONS** is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not auhorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

(1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration/ Lead Hazard Warning, and Final Declaration; and

(2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: Sign: Date: **09/07/2023** [X] Owner [X] Authorized Agent

INSPECTION RECORD

Your feedback is important, please visit our website to complete customer Survey at **www.ladbs.org/LADBSWeb/customer-survey.jsf**
If you would like to provide additional feedback, need clarification, or have any question regarding plan check or inspection matters, please call our Customer Hotline at (213) 482-0056

For use by cashier only

2023WL02335
9/7/2023 12:00:00AM
rkha 2023250002-8
23030-30000-04877 Final

PERMIT NO : 23030-30000-04877

ADDRESS : 12305 W 5TH HELENA DR

WORK DESC : REMOVE EXISTING POOL SHELL AND BACKFILL WITH CERTIFIED FILL.----2 OF 2----

INSPECTION RECORDS AND PLANS MUST BE AVAILABLE DURING INSPECTION

GRADING INSPECTIONS		
TYPE	DATE	INSPECTOR
Initial Grading		
Toe or Bottom		
Soils Report Approved		
DO NOT PLACE FILL UNTIL ABOVE IS SIGNED		
Backfill		
Fill		
Excavation		
Drainage Devices		
Rough Grading		
Approved Compaction Report		
FOOTING INSPECTIONS		
Footing Excavation		
Forms		
Reinforcing Steel		
OK to place concrete		
GROUNDWORK INSPECTIONS		
Electrical		
Plumbing		
Plumbing Methane		
Gas Piping		
Heating & Refrigeration		
Fire Sprinklers		
Disabled Access		
Methane		
OK to Place Floor		
DO NOT PLACE FLOOR UNTIL ABOVE IS SIGNED		
ROUGH INSPECTIONS		
Green Code		
Electrical		
Plumbing		
Fire Sprinkler		
Heating & Refrigeration		
Roof Sheathing		
Disabled Access		
Framing		
Insulation		
Suspended Ceiling		
OK to Cover		

FOR INSPECTION REQUESTS, PLEASE CALL **3-1-1**
OR OUTSIDE CITY OF LOS ANGELES
888-LA4-BUILD (888)524-2845 or www.ladbs.org

DO NOT COVER UNTIL PREVIOUS IS SIGNED		
TYPE	DATE	INSPECTOR
Exterior Lathing		
Interior Lathing		
Drywall		
DO NOT COVER UNTIL ABOVE IS SIGNED		
WORK OUTSIDE OF THE BUILDING		
Electrical Underground		
Gas		
Heating & Refrigeration		
Sewer		
Disabled Access		
POOL INSPECTIONS		
Excavation		
Reinforcing Steel		
Bonding		
Piping		
Pre-Gunite		
Deck		
Enclosure/Fence		
Pool/Spa Cover		
DO NOT FILL POOL UNTIL ABOVE IS SIGNED		
FINAL INSPECTIONS		
Grading		
Electrical		
Plumbing		
Gas Test		
Gas		
Heating & Refrigeration		
Pressure Vessels		
Elevator		
Fire Sprinkler		
Disabled Access		
Green Building		
LAFD (Title 19 only)		
LAFD Fire Life Safety		
Pool Final		
AQMD sign-off provided		
Public Works		
Building		
PROJECT FINAL		

Certificate of Occupancy Required ☐ **YES** ☐ **NO**

B-8 Card rev. 111811

EXHIBIT C

WELCOME TO THE HOLLYWOOD HERITAGE PRESERVATION RESOURCE CENTER

---

1. TOP NEWS

Hollywood Heritage joined other preservation organizations to oppose the demolition of Marilyn Monroe's 1929 Spanish Revival home. The City Council voted to temporarily hold demolition. During a press conference before the City Council's Friday, September 8 vote, Councilmember Traci Park expressed that she is a defender of the city's rich history and heritage. Following is our letter illustrated with photos courtesy of Tinsel and Stars.

Councilmember Traci Park

City Hall

200 N. Spring Street #410 Los Angeles CA 90012

September 6, 2023

RE: Proposed Demolition of 12305 5th Helena Drive; former home of Marilyn Monroe

Dear Councilmember Park: The Board of Directors of Hollywood Heritage and its Preservation Issues Committee urges you to take action to prevent the demolition of 12305 5th Helena Drive, the former and last home of Marilyn Monroe. The property was identified by SurveyLA as eligible for designation, thus making it a historic resource for the purposes of CEQA. Its destruction, a tragedy that it is in your power to prevent, would be an unacceptable loss to the architectural, historical, and cultural heritage of Los Angeles. Hollywood Heritage urges you to put a 180-day halt on demolition and a cessation of all pre-demolition activities while your office initiates an emergency Historic Cultural Monument nomination.

Few Hollywood stars have had the cultural power of Marilyn Monroe (1926-1962), whose career included nearly 30 films including All About Eve, Gentlemen Prefer Blondes and Some Like It Hot, grossing nearly $2 billion in today's dollars. She is the embodiment of the triumph and tragedy of Hollywood, number six on the American Film Institute's list of screen legends and remains an international pop icon to this day.

Hollywood Heritage is ready to assist your office in any way we can to prevent the demolition of 12305 5th Helena Drive.

Sincerely, Brian Curran President, Hollywood Heritage

EXHIBIT D

Date : 9/6/2023 3:28:27 PM
From : "L.A. Conservancy Action Alert"
To : "Ken Bernstein"
Subject : URGENT: The Former House of Marilyn Monroe is Threatened with Imminent Demolition!

Click here to view this message in a browser window.

Help Stop the Demolition of Marilyn Monroe's Former House!

Marilyn Manroe House

The house where the legendary Marilyn Monroe lived is now at risk. You can help!

Hollywood's iconic "blonde bombshell" Marilyn Monroe left us way too soon, and now her house where she lived—and died in 1962—may also be lost if we don't act quickly. Owners have filed plans to build a new house on the site of Monroe's 1929 Spanish, hacienda-style home in Brentwood, and it appears clearance for a demolition permit may already be in place. Identified in 2013 by the City's SurveyLA program as being potentially historic, the house is currently unprotected.

If not too late and successful, this could allow the City and residents to consider if Monroe's house should be protected, spared from demolition, and ultimately designated as an HCM. This action can still allow owners to update and even expand the house if desired but ensures its essential character, and Monroe's association, is maintained.

How you can help:

Please reach out to Councilmember Traci Park by emailing/calling and ask her to initiate the Historic-Cultural Monument (HCM) process for Monroe's house at 12305 5th Helena Drive!

Use the link below to email Council District 11:

- Councilmember Traci Park →

- Call: 213-473-7011

*For those that live within Council District 11, it is especially important for Councilmember Park to hear from you!

Photo credits: Curbed/ Getty Images

EXHIBIT E

Date : 9/6/2023 1:51:00 PM
From : "Sean Silva"
To : "Lambert Giessinger"
Subject : Fwd: Demo Permit Marilyn Monroe 1235 5th Helena
Attachment : demo-permit-monroe-helena.jpg;

Sean Silva | Field Deputy Westchester and Playa del Rey| Planning Liaison
Office of Councilwoman Traci Park * **11th District**
WESTCHESTER: 7166 W. Manchester Ave, LA, CA 90045
(310) 568-8772 TEL |
---------- Forwarded message ---------
From: **Richard Schave** <schavester@gmail.com>
Date: Wed, Sep 6, 2023 at 1:22 PM
Subject: Demo Permit Marilyn Monroe 1235 5th Helena
To: Jeff Khau <Jeff.Khau@lacity.org>, Sean Silva <sean.silva@lacity.org>
Cc: Kim Cooper <tours@esotouric.com>, Nathan Marsak <oldbunkerhill@gmail.com>

Jeff & Sean:

Marilyn Monroe's last residence, the site of her death, apparently is in the early steps of a demolition permit:

https://www.riplosangeles.com/post/marilyn-s-house

1235 5th Helena 90049

https://goo.gl/maps/xZ8aFo436JnEt6Xd7

I have attached a screenshot of the LADBS listing for the parcel as their web interface (LADBS Records) is not working.

I am requesting a phone call with the two of you to discuss the feasibility of CM Park putting a motion on council floor to direct Office of Historic Resources to initiate an HCM application.

Nathan Marsak, the author of the above blog post, would like to be on this call as well.

I do not think by making this meeting request that this implies your office agrees with my suggested direction, simply a willingness to explore the problem space around this important structure and its proposed demolition.

Cheers

Richard Schave

Sent with Shift

12305 W 5TH HELENA DR 90049

Application / Permit	23019-30000-03126
Plan Check / Job No.	B23WL01996
Group	Building
Type	Bldg-Demolition
Sub-Type	1 or 2 Family Dwelling
Primary Use	(1) Dwelling - Single Family
Work Description	Demolition of single family dwelling with attached garage, pool house and storage. Sewer cap and pedestrian protectio fence required.----1 OF 2----
Permit Issued	No
Current Status	PC Info Complete on 9/5/2023

Permit Application Status History

Submitted	8/7/2023	APPLICANT
Assigned to Plan Check Engineer	8/7/2023	CAROLEAN BASMA
Corrections Issued	8/7/2023	CAROLEAN BASMA
Plan Check Approved	9/5/2023	JAHANSHAH POURHASSAN

Permit Application Clearance Information

No Data Available.

Contact Information

No Data Available.

Inspector Information

No Data Available.

Pending Inspections

No Data Available.

Inspection Request History

No Data Available.

EXHIBIT F

Date : 9/7/2023 10:52:07 AM
From : "Adrian Fine"
To : "Lambert Giessinger (lambert.giessinger@lacity.org)"
Cc : "Ken Bernstein" , "Melissa Jones"
Subject : LATimes piece on Marilyn Monroe House

Here's link to *LATimes* piece on the Marilyn Monroe House. *Town and Country* has covered this and *Dwell* is working up a story now too. https://www.latimes.com/entertainment-arts/story/2023-09-07/marilyn-monroes-home-is-set-to-be-demolished-the-internet-blames-a-monroe-lookalike-and-brentwood-hopes-to-save-it

If we can get CD 11 to initiate the HCM process in time, we have someone good lined up that will write the nomination.

Adrian Scott Fine
Senior Director of Advocacy
Los Angeles Conservancy
afine@laconservancy.org

Pronouns: He / His / Him

SPECIAL 1

MOTION

Section 22.171.10 of the Administrative Code provides that the City Council, the Cultural Heritage Commission, or the Director of Planning may initiate consideration of a proposed site, building or structure as a Historic-Cultural Monument. The Cultural Heritage Commission, after reviewing and investigating any such Council initiated designation, shall approve or disapprove in whole or in part the proposed inclusion and submit a report upon such action to the City Council. **In addition, Section 22.171.12 of the Administrative Code provides that there shall be a temporary stay of demolition, substantial alteration or removal of any such proposed location or structuring pending designation.**

The **property located at 12305 5th Helena Drive, Los Angeles, CA 90049**, built in 1929 is a one-story *Spanish Colonial* architectural style house in the Brentwood neighborhood that has retained architectural features which remain intact today, such as but not limited to, the door arches, ceiling beams, windows, and flooring; and **the only residence owned by actress Marilyn Monroe**.

Immediate action is needed to initiate consideration of the property located at 12305 5th Helena Drive, Los Angeles, CA 90049 **as a City Historic-Cultural Monument,** and thereby provide more time for the Council and the Cultural Heritage Commission to consider the merits of this request before a demolition permit is issued by the Building and Safety Department—**information has just been received by the City that the demolition permit was issued on September 7, 2023.**

Adoption of the Motion to initiate consideration of the property as a City Historic-Cultural Monument will allow more time for study and public hearing(s), and does not deprive the property owner of any rights. As such, the historic-cultural merits of this property need to be assessed.

I THEREFORE MOVE that the Council determine, as provided in Section 54954.2(b)(2) of the Government Code, and pursuant to **Rule 23** of the Rules of the City Council, that pursuant to state law there is a need to take immediate action on this matter AND that the need for action came to the attention of the City subsequent to the posting of the agenda for today's Council meeting.

I FURTHER MOVE that the Council initiate consideration of the property located at 12305 5th Helena Drive, Los Angeles, CA 90049, as a City Historic-Cultural Monument under the procedures set forth in Section 22.170.10 of the Administrative Code, and instruct the Planning Department to prepare the Historic Cultural Monument application for review and consideration by the Cultural Heritage Commission.

I FURTHER MOVE that after reviewing the application, the Cultural Heritage Commission submit its report and recommendation to the Council regarding the inclusion of the property located at 12305 5th Helena Drive, Los Angeles, CA 90049, on the City's list of Historic-Cultural Monuments.

PRESENTED BY: Traci Park

TRACI PARK
Councilwoman, 11th District

SECONDED BY: ______

September 8, 2023
rm

ORIGINAL

EXHIBIT H

CITY OF LOS ANGELES

CALIFORNIA

KAREN BASS
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

September 8, 2023

GLORY OF THE SNOW 1031 LLC
60 E RIO SALADO PKWY STE 1103
TEMPE AZ 85281

SAHURE, ANDREW GLORY OF
THE SNOW 1031 TRUST
12305 5TH HELENA DR
LOS ANGELES CA 90049

NOTICE TO STOP CONSTRUCTION AND NOTICE OF INTENT TO REVOKE BUILDING PERMIT NUMBER 23019-30000-03126 FOR THE DEMOLITION OF SINGLE FAMILY DWELLING WITH ATTACHED GARAGE, POOL HOUSE AND STORAGE AND PERMIT NUMBER 23030-30000-04877 FOR BACKFILL OF THE EXISTING POOL FOR PROPERTY LOCATED AT 12305 W 5TH HELENA DRIVE

September 7, 2023, the Department of Building and Safety (LADBS) issued Building Permit Number 23019-30000-03126 for the demolition of existing Single Family Dwelling with attached garage, pool house and storage and Permit Number 23030-30000-04877 to backfill of the existing at 12305 W 5th Helena Drive.

On September 8, 2023, LA City Council has adopted a motion to initiate consideration of the property at 12305 W 5th Helena Drive as a proposed Historic-Cultural Monument. Under the Cultural Heritage Ordinance, this action immediately triggers a temporary stay on all building permits while the matter is under consideration by the Cultural Heritage Commission and City Council. Also, the property, regardless of whether a permit exists or does not exist, shall not be demolished, substantially altered or removed.

Subsequently, the LADBS requires an approval, in form of a clearance, from the LADCP for "Historical-Cultural Monument."

Therefore, LADBS has determined that Permit Numbers 23019-30000-03126 and 23030-30000-04877 were issued in error and intends to revoke the subject permits. The authority to revoke the permits is stipulated in Section 98.0601 of the Los Angeles Municipal Code, which states in pertinent part:

> *"The Department shall have the authority to revoke any permit, slight modification or determination whenever such action was granted in error or in violation of other*

> *provisions of the code and conditions are such that the action should not have been allowed."*

Hereby, you are ordered to immediately stop all work approved pursuant to Permit Numbers 23019-30000-03126 and 23030-30000-04877.

You have until September 18, 2023 to provide any reasons why Permit Numbers 23019-30000-03126 and 23030-30000-04877 should not be revoked; otherwise, the subject permits will be revoked on September 18, 2023.

Should you have any questions regarding the approval from LADCP, please contact Lamber Giessinger at (213) 847-3648. For any other questions, please contact Sai Khum of my staff at (213) 482-0092.

Shahen Akelyan

Shahen Akelyan, Assistant Chief
Permit and Engineering Bureau

CC: Binh Phan, Permit and Engineering Bureau Chief, LADBS
Pascal Challita, Inspection Bureau Chief, LADBS
Sai Khum, Metro Counter Manager. LADBS
Lamber Giessinger, Sr Architect, LADCP

EXHIBIT I

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

1. PROPERTY IDENTIFICATION

Proposed Monument Name: Marilyn Monroe Residence		Former residence of notable person(s)	
Other Associated Names:			
Street Address: 12305 5th Helena Drive	Zip: 90049	Council District: 11	
Range of Addresses on Property:	Community Name: Brentwood-Pacific Pali		
Assessor Parcel Number: 4405040005	Tract: Tract No. 5462	Block: None	Lot: 20
Identification cont'd:			

Proposed Monument Property Type:	● Building	○ Structure	○ Object	○ Site/Open Space	○ Natural Feature

Describe any additional resources located on the property to be included in the nomination, here: Residence with attached garage and guest house, swimming pool, landscaped courtyard, rear patio

2. CONSTRUCTION HISTORY & CURRENT STATUS

Year built: 1929 ○ Factual ● Estimated	Threatened? Private Development
Architect/Designer: Unknown	Contractor: Unknown
Original Use: Single-Family Residence	Present Use: Single-Family Residence

Is the Proposed Monument on its Original Site? ● Yes ○ No (explain in section 7) ○ Unknown (explain in section 7)

3. STYLE & MATERIALS

Architectural Style: Spanish Colonial Revival	Stories: 1	Plan Shape: Irregular

FEATURE	*PRIMARY*	*SECONDARY*
CONSTRUCTION	Type: Concrete poured/precast	Type: Select
CLADDING	Material: Stucco, smooth	Material: Select
ROOF	Type: Gable	Type: Shed
	Material: Clay tile, rounded	Material: Rolled asphalt
WINDOWS	Type: Casement	Type: Select
	Material: Steel	Material: Wood
ENTRY	Style: Off-center	Style: Off-center
DOOR	Type: Paneled, unglazed	Type: Paneled, glazed

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

4. ALTERATION HISTORY

List date and write a brief description of any major alterations or additions. This section may also be completed on a separate document. Include copies of permits in the nomination packet. Make sure to list any major alterations for which there are no permits, as well.

Date	Description
	Please see attachments.

5. EXISTING HISTORIC RESOURCE IDENTIFICATION (if known)

- ☐ Listed in the National Register of Historic Places
- ☐ Listed in the California Register of Historical Resources
- ☐ Formally determined eligible for the National and/or California Registers
- ☐ Located in an Historic Preservation Overlay Zone (HPOZ) — ○ Contributing feature ○ Non-contributing feature
- ☐ Determined eligible for national, state, or local landmark status by an historic resources survey(s) — Survey Name(s): SurveyLA, Brentwood Community Plan Area, 2013

Other historical or cultural resource designations:

6. APPLICABLE HISTORIC-CULTURAL MONUMENT CRITERIA

The proposed monument exemplifies the following Cultural Heritage Ordinance Criteria (Section 22.171.7):

- ☐ 1. Is identified with important events of national, state, or local history, or exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community.
- ☑ 2. Is associated with the lives of historic personages important to national, state, city, or local history.
- ☐ 3. Embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius influenced his or her age.

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

7. WRITTEN STATEMENTS

This section allows you to discuss at length the significance of the proposed monument and why it should be designated an Historic-Cultural Monument. Type your response on separate documents and attach them to this form.

A. Proposed Monument Description - Describe the proposed monument's physical characteristics and relationship to its surrounding environment. Expand on sections 2 and 3 with a more detailed description of the site. Expand on section 4 and discuss the construction/alteration history in detail if that is necessary to explain the proposed monument's current form. Identify and describe any character-defining elements, structures, interior spaces, or landscape features.

B. Statement of Significance - Address the proposed monument's historic, cultural, and/or architectural significance by discussing how it satisfies the HCM criteria you selected in Section 6. You must support your argument with substantial evidence and analysis. The Statement of Significance is your main argument for designation so it is important to substantiate any claims you make with supporting documentation and research.

8. CONTACT INFORMATION

Applicant

Name: City of Los Angeles		Company:	
Street Address: 200 North Spring Street		City: Los Angeles	State: CA
Zip: 90012	Phone Number: 213-847-3679	Email: melissa.jones@lacity.org	

Property Owner Is the owner in support of the nomination? ○ Yes ○ No ● Unknown

Name: Glory of the Snow 1031 LLC		Company:	
Street Address: 60 E. Rio Salado Pkwy., Ste. 1103		City: Tempe	State: AZ
Zip: 85281	Phone Number:	Email:	

Nomination Preparer/Applicant's Representative

Name: Heather Goers		Company:	
Street Address: 1265 North Sweetzer Avenue #15		City: West Hollywood	State: CA
Zip: 90069	Phone Number:	Email: hmgoers@gmail.com	

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

9. SUBMITTAL

When you have completed preparing your nomination, compile all materials in the order specified below. Although the entire packet must not exceed 100 pages, you may send additional material on a CD or flash drive.

APPLICATION CHECKLIST

1. ✔ Nomination Form
2. ✔ Written Statements A and B
3. ✔ Bibliography
4. ✔ Two Primary Photos of Exterior/Main Facade (8x10, the main photo of the proposed monument. Also email a digitial copy of the main photo to: planning.ohr@lacity.org)
5. ✔ Copies of Primary/Secondary Documentation
6. ✔ Copies of Building Permits for Major Alterations (include first construction permits)
7. ✔ Additional, Contemporary Photos
8. ✔ Historical Photos
9. ✔ Zimas Parcel Report for all Nominated Parcels (including map)

10. RELEASE

Please read each statement and check the corresponding boxes to indicate that you agree with the statement, then sign below in the provided space. Either the applicant or preparer may sign.	
✔	I acknowledge that all documents submitted will become public records under the California Public Records Act, and understand that the documents will be made available upon request to members of the public for inspection and copying.
	I acknowledge that all photographs and images submitted as part of this application will become the property of the City of Los Angeles, and understand that permission is granted for use of the photographs and images by the City without any expectation of compensation.
	I acknowledge that I have the right to submit or have obtained the appropriate permission to submit all information contained in this application.

Heather M. Goers — Name:

01/03/2024 — Date:

Signature:

Mail your Historic-Cultural Monument Submittal to the Office of Historic Resources.

Office of Historic Resources
Department of City Planning
221 N. Figueroa St., Ste. 1350
Los Angeles, CA 90012

Phone: 213-874-3679
Website: preservation.lacity.org

Date : 9/12/2023 10:36:58 AM
From : "Adrian Fine"
To : "Lambert Giessinger (lambert.giessinger@lacity.org)" , "Melissa Jones"
Cc : "hmgoers@gmail.com" , "Lindsay Mulcahy"
Subject : Marilyn Monroe House HCM

Hi Lambert and Melissa,

I hope you're both well. I'm copying Heather Goers who is available and has agreed to prepare the HCM nomination for the Marilyn Monroe House.

If this sounds ok to proceed, Heather is able to submit a draft nomination to OHR by October 2. My understanding is the CHC will do a site visit on October 12 followed by the CHC meeting on November 16. Do I have the dates correct.

Am I missing anything and does this sound like a good plan and timeline?

Thanks and best, Adrian

Adrian Scott Fine
Senior Director of Advocacy
Los Angeles Conservancy
afine@laconservancy.org

Pronouns: He / His / Him

EXHIBIT K

PLACE

Marilyn Monroe Residence

The nomination will soon head to the full City Council for a vote.

Active

The house where the legendary Marilyn Monroe lived is now at risk. You can help!

ADDRESS

12305 Fifth Helena Dr., Los Angeles, CA 90049
Get directions

DECADE

1920s

DESIGNATION

Eligible for Local Designation

PROPERTY TYPE

Residential (All)

GOVERNMENT OFFICIALS

L.A. City Council District 11, Councilmember Traci Park

ATTRIBUTES

Private Residence - Do Not Disturb

COMMUNITY

Los Angeles

OVERVIEW OUR POSITION HOW YOU CAN HELP

Overview

Good news, on March 5th, at the City of Los Angeles Planned Land Use and Management Meeting (PLUM), the Marilyn Monroe Residence cleared yet another hurdle on its journey toward Historic-Cultural Monument (HCM) designation. The nomination will soon head to the full City Council for a vote.

READ MORE +

Our Position

The Conservancy greatly thanks Councilmember Park for initiating the Historic-Cultural Monument (HCM) process.

We will continue working with Park's office to ensure the Cultural Heritage Commission and City Council take this important house under consideration for historic protections. We believe there is a viable path to a win-win resolution.

How You Can Help

The pending Historic-Cultural Monument (HCM) nomination will next head to the City Council, first to the Planning and Land Use Management (PLUM) Committee, and then the full City Council for a final vote.

Share your thanks to Councilmember Traci Park for initiating the motion to begin the Historic-Cultural Monument (HCM) process!

There still are many steps to go before the house is fully protected. Park's motion issued a stop-work order and began the process of preparing the HCM application. The full City Council must vote first before permanent protections take effect.

We will update this page with new action alerts as this process unfolds. Thanks to all who have expressed your support for this house!

Related Links

In the News

Timeline

March 5, 2024
The City of Los Angeles Planned Land Use
the HCM nomination for the Marilyn Mon

523 W. Sixth St., Suite 826
Los Angeles, CA 90014

Office: (213) 623-2489
Fax: (213) 623-3909
info@laconservancy.org

Date : 9/18/2023 4:24:49 PM
From : "Lambert Giessinger"
To : "Michael Amster"
Cc : "Jeff Khau" , "Melissa Jones"
Subject : Re: 12305 Fifth Helena preservation

Thank you!

Lambert Giessinger
Senior Architect
Los Angeles City Planning
Office of Historic Resources
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
T: (213) 847-3648 | Planning4LA.org

    E-NEWS

On Mon, Sep 18, 2023 at 4:18 PM Michael Amster <michael.amster@lacity.org> wrote:

> I haven't, let me reach out.
>
> On Mon, Sep 18, 2023 at 3:59 PM Jeff Khau <Jeff.khau@lacity.org> wrote:
>
>> I'm looping in Michael to see if he's heard back from LADBS and/or LAPD.
>>
>>
>>
>>
>> **Jeff Khau, AICP** | Planning & Transportation Deputy
>> *he/him/his*
>> **Office of Councilwoman Traci Park** * **11th District**
>> **LA CITY HALL:** 200 N. Spring Street, Room 410, LA, CA 90012
>> (213) 887-5644 TEL
>>
>>
>>
>>
>>
>> On Mon, Sep 18, 2023 at 3:39 PM Lambert Giessinger <lambert.giessinger@lacity.org> wrote:
>>
>>> Jeff,
>>>
>>> I have not heard back from the owner's attorney. Do we know if LADBS was able to investigate and stop any work?
>>>
>>> Lambert
>>>
>>>
>>>
>>>
>>> **Lambert Giessinger**
>>> Senior Architect
>>> **Los Angeles City Planning**
>>> **Office of Historic Resources**
>>> 221 N. Figueroa Street, Suite 1350
>>> Los Angeles, CA 90012
>>> T: (213) 847-3648 | Planning4LA.org
>>>
>>>

On Mon, Sep 18, 2023 at 9:58 AM Lambert Giessinger <lambert.giessinger@lacity.org> wrote:

Thanks, Jeff. I will follow-up with Bill Delvac, the owner's attorney. He said they were only removing one asbestos pipe in the garage when we spoke last week. Obviously, that is not a skylight.

Lambert

Lambert Giessinger
Senior Architect
Los Angeles City Planning
Office of Historic Resources
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
T: (213) 847-3648 | Planning4LA.org

On Mon, Sep 18, 2023 at 9:35 AM Jeff Khau <Jeff.khau@lacity.org> wrote:

Hi Lambert,

Hope you had a restful weekend. I just wanted to make you aware of reports that the windows are being removed from the sunroof at 12305 W 5th Helena Drive. I assume that we have no way to prevent this from happening - but if there's something we could do, please let me know.

Jeff Khau, AICP | Planning & Transportation Deputy
he/him/his
Office of Councilwoman Traci Park • **11th District**
LA CITY HALL: 200 N. Spring Street, Room 410, LA, CA 90012
(213) 887-5644 TEL

---------- Forwarded message ---------
From: **Star Parsamyan** <star.parsamyan@lacity.org>
Date: Sat, Sep 16, 2023 at 9:00 PM
Subject: Re: 12305 Fifth Helena preservation
To: Sean Silva <sean.silva@lacity.org>, Michael Amster <michael.amster@lacity.org>
Cc: Jeff Khau <Jeff.khau@lacity.org>, Jamie Paige <jamie.paige@lacity.org>

Thanks Sean.

Michael, check to see if PD got any calls.

Jeff, please make sure the department is aware of this. Ask them to go and make sure there is no demolition moving forward since there is a council instruction on this.

Thanks,

Star

Sent from my iPhone

On Sep 16, 2023, at 4:42 PM, Sean Silva <sean.silva@lacity.org> wrote:

---------- Forwarded message ---------
From: **Mike Gaffrey** <mikegaffrey@yahoo.com>
Date: Sat, Sep 16, 2023 at 4:20 PM
Subject: Re: 12305 Fifth Helena preservation
To: Sean Silva <sean.silva@lacity.org>

Sean it appears they're taking the house apart. Scott Fortner has posted drone footage showing windows removed from the sun room. Can your office confirm if the owner has actually begun demoing the house?

IMG_0542.jpeg

Mike Gaffrey

Sent from my iPhone

On Sep 8, 2023, at 7:10 PM, Sean Silva <sean.silva@lacity.org> wrote:

Hi Mike,

Thank you for your continued engagement on this important matter.

Today, we took the step of introducing a motion which was unanimously approved, the text of which you can read here, that officially pauses demolition of Marilyn Monroe's iconic Brentwood home and would seek to initiate consideration of the property as a City Historic-Cultural Monument.

After approval of the motion a directive from the Los Angeles Building and Safety Commission was sent out to the current owners of the home instructing an immediate stop to all construction at the residence.

The communication also carried a notice, signaling the intent to revoke the building permit initially issued for the home's demolition.

Following the adoption of today's motion and the revocation of the demolition permit, a historical assessment will take place, after which the Cultural Heritage Commission will consider whether to approve or deny the nomination.

If you have any further questions, please let me know.

All the best,
Sean

Sean Silva | Field Deputy Westchester and Playa del Rey| Planning Liaison

Office of Councilwoman Traci Park · **11th District**

WESTCHESTER: 7166 W. Manchester Ave, LA, CA 90045

(310) 568-8772 TEL |

On Fri, Sep 8, 2023 at 9:49 AM Mike Gaffrey <mikegaffrey@yahoo.com> wrote:

> Happy Friday, Sean! Sounds like moves are being made to preserve Marilyn's home! My fingers are firmly crossed, as are my 50,000+ followers on Instagram! Thank you for your efforts!
> Mike
> @marilyns__man
>
> Sent from my iPhone
>
> On Sep 7, 2023, at 6:49 PM, Sean Silva <sean.silva@lacity.org> wrote:
>
> Hi Mike,
>
> Thanks for staying engaged. Our office has decided to meet on an even more accelerated timetable with the City Attorney's office and the Department of City Planning to determine what our next steps are to find a way to preserve the site. We look forward to continuing our efforts and will announce next steps publicly very soon.
>
> All the best,

Sean

Sean Silva | Field Deputy Westchester and Playa del Rey| Planning Liaison

Office of Councilwoman Traci Park * **11th District**

WESTCHESTER: 7166 W. Manchester Ave, LA, CA 90045

(310) 568-8772 TEL |

On Thu, Sep 7, 2023 at 4:00 PM Mike Gaffrey <mikegaffrey@yahoo.com> wrote:

> Sean,
>
> I understand the demolition permit has been issued as of today. Is it too late? Can this all be put on hold until you and your team meet?
>
> Mike
>
> On Thursday, September 7, 2023 at 02:11:07 PM PDT, Sean Silva <sean.silva@lacity.org> wrote:
>
> Hi Mike,
>
> Our office takes historic preservation very seriously.
>
> Today, after consultation with the Los Angeles Department of City Planning, we engaged with the LA Conservancy and other preservation groups to convene a meeting next week to discuss all available options. We will also pass this message of the importance of this site to our constituency along to the Councilwoman.
>
> All the best,
> Sean

Sean Silva | Field Deputy Westchester and Playa del Rey|
Planning Liaison

Office of Councilwoman Traci Park * **11th District**

WESTCHESTER: 7166 W. Manchester Ave, LA, CA 90045

(310) 568-8772 TEL |

***PLEASE NOTE**: E-mail correspondence with the Office of Councilwoman Traci Park may be subject to public disclosure under the California Public Records Act. *(including attachments)* *

> On Thu, Sep 7, 2023 at 12:17 PM Mike Gaffrey
> <mikegaffrey@yahoo.com> wrote:

Dear Mr. Silva,

My name is Mike Gaffrey and I am writing to you regarding the recent news that there was a request for demolition by (according to title search records) the Glory in the Snow 1031 LLC (trust) currently in possession of the deed for 12305 Fifth Helena Drive, Brentwood Los Angeles California. I am asking you to please consider granting the buildings and ground at this property Cultural Historic Monument (HCM) status to preserve its status as a significant part of the history of Los Angeles.

12305 Fifth Helena Drive is part of an identity that is being lost in Los Angeles. The property is zoned as a single residential and has been there for nearly 95 years having been originally built in 1929. It is a gorgeous example of the Spanish Mission style homes which were so common in Los Angeles at the time it was built.

This structure is a significant example of early 20th century Southern California Spanish colonial revival architecture, incorporating key elements of Mediterranean architecture, especially bright white exterior walls, while also taking inspiration from Mexican, Pueblo, and Moorish design styles. The home features deep skilled windows with ornamental iron grills, beamed ceilings with exposed trusses, carved wooden doors, three-centered arches, a terracotta or clay barrel tile roof, and thick adobe stucco interior and external walls.

One might think that memory of Marilyn would have faded over time and perhaps this last residence of her, forgotten, but the reality couldn't be farther from the notion. Rather, the home and grounds and the gate at 12305 Fifth Helena Drive are ALREADY considered historically and culturally significant by the many thousands of people who travel to the home annually to pay their respects to Marilyn at the gates, and by the many friends and fans who still attend her memorial every August at nearby Pierce Brothers Westwood Memorial Cemetery, a gathering which has been formally hosted by Marilyn Remembered for over 40 years, not to mention the millions of fans who think on the home and its meaning to Marilyn's life and death.

I'm hopeful that you can feel the passion with which I am writing on this matter. I am hopeful you will agree that this particular property should be protected from demolition and preserved as an important piece of Los Angeles and American history.

Sincerely,

EXHIBIT M

Date : 1/16/2024 4:23:36 PM
From : "Melissa Jones"
To : "Heather Goers"
Cc : "Lambert Giessinger"
Subject : Re: 12305 5th Helena - CHC Presentation

Thanks, Heather. Since this is a City-initiated application, you won't be timed.

Best regards,
Melissa

Melissa Jones
Pronouns: She, Her, Hers
City Planner
Los Angeles City Planning
Office of Historic Resources
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012
T: (213) 847-3679 | Planning4LA.org

On Tue, Jan 16, 2024 at 4:12 PM Heather Goers <hmgoers@gmail.com> wrote:

> Thanks, Melissa. Do you know if it will be possible to have a few extra minutes for the presentation? I don't anticipate that every slide will take a lot of time, but there are a few points that probably merit further discussion.
>
> In a change of plans, I'll be working from home tomorrow if there's anything we need to go over before Thursday. Thanks again -
> Heather
>
> On Tue, Jan 16, 2024 at 9:14 AM Melissa Jones <melissa.jones@lacity.org> wrote:
>
> > Thanks, Heather. I am confirming receipt of the presentation. I will forward this on to the Commission Office for uploading it to the Google folder linked to from the agenda.
> >
> > Best regards,
> > Melissa

Melissa Jones
Pronouns: She, Her, Hers
City Planner
Los Angeles City Planning
Office of Historic Resources
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012
T: (213) 847-3679 | Planning4LA.org

On Tue, Jan 16, 2024 at 6:46 AM Heather Goers <hmgoers@gmail.com>
wrote:

Good morning Melissa,
Please find attached a copy of the presentation for Thursday's hearing. I'm still refining my speaker notes but will be able to share those Wednesday evening if you would like to review them. I'll be at Hollyhock all day today, but if you'd like me to make any changes I can do so first thing this evening when I return. Happy to chat as well if you have any questions. Thank you -
Best,
Heather

EXHIBIT N

Los Angeles Department of City Planning
RECOMMENDATION REPORT

CULTURAL HERITAGE COMMISSION **CASE NO.: CHC-2015-2179-HCM**
ENV-2015-2180-CE

HEARING DATE:	June 18, 2015	Location: 5258 N. Hermitage Avenue
TIME:	10:30 AM	Council District: 2
PLACE:	City Hall, Room 1010	Community Plan Area: North Hollywood – Valley Village
	200 N. Spring Street	Area Planning Commission: South Valley
	Los Angeles, CA	Neighborhood Council: Valley Village
	90012	Legal Description: TR 9237, Block None, Lot 39

PROJECT: Historic-Cultural Monument Application for the DOUGHERTY HOUSE

REQUEST: Declare the property a Historic-Cultural Monument

OWNER(S): Hermitage Enterprises LLC
c/o Joe Salem
20555 Superior Street
Chatsworth, CA 91311

APPLICANT: Friends of Norma Jean
12234 Chandler Blvd. #7
Valley Village, CA 91607

Charles J. Fisher
140 S. Avenue 57
Highland Park, CA 90042

RECOMMENDATION **That the Cultural Heritage Commission:**

1. **NOT take the property under consideration** as a Historic-Cultural Monument per Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.10 because the application and accompanying photo documentation do not suggest the submittal warrants further investigation.

2. **Adopt** the report findings.

MICHAEL J. LOGRANDE
Director of Planning

[SIGNED ORIGINAL IN FILE]

Ken Bernstein, AICP, Manager
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Lambert M. Giessinger, Preservation Architect
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Shannon Ryan, City Planning Associate
Office of Historic Resources

Attachments: Historic-Cultural Monument Application

SUMMARY

The corner property at 5258 Hermitage is comprised of two one-story buildings. The front building, facing Herimitage Avenue, was built in 1940 in the Minimal Traditional style with Traditional Ranch elements. The rear building, facing Weddington Street, was likely built circa 1930 and has no defined architectural style. A low cobble wall with a wood picket fence surrounds the property. Currently, construction fencing obscures most of the property from view.

The front building has a side gabled composition shingle roof with a partial-width porch entrance on the front façade. Pairs of square wooden posts with square capitals and bases support the porch. The rafter tails are exposed above the porch lintel. The entrance to the house is accessed from the porch. To the north of the front door are tripartite multi-light wood windows. This portion of the house is clad in vertical tongue and groove wood siding. Wood siding also appears under at the gable ends on the north and south façades and on the gable ends on the attached two-car garage fronting Weddington Street. There is a chimney on the north façade that was repaired after the 1994 Northridge earthquake. The rest of the house is clad in stucco. Windows include wooden hung windows, some with metal awnings, as well as casement windows, and a greenhouse window. A metal patio awning exists on the rear façade.

The house at the rear of the lot is one-story with an irregular "L" shaped floor plan. The building is comprised of three small gabled roof sections connected by a flat roof. Theses masses were likely assembled overtime to create the unit. The only permit on record is from 1939 for the addition of a storage area. The permit drawing shows only a small square building on the southeast corner of the lot. The applicant believes this first structure was built circa 1912 as farmworker housing for the orchard industry that existed in the area at the time. The western portions of the building were later additions. The western-most gable has a wrapped porch with wooden square support posts. The front entrance faces a grassy yard and Weddingon Street. The majority of the building is clad in vertical wood tongue and groove siding and horizontal or vinyl clapboard siding. Windows are mixed and include wooden fixed, transom, and hung windows with what appears to be the original surrounds and trim. The roof is covered in rolled composition.

Norma Jean Dougherty (born Norma Jean Mortensen and name changed to Norma Jean Baker soon after birth), who would later become actress and model Marilyn Monroe, lived in the rear unit at 5258 Hermitage Avenue from April 1944 to the summer of 1945. She lived on Hermitage Avenue with her in-laws while she was married to Jim Dougherty who was serving overseas in the Merchant Marines.

CRITERIA

The criterion is the Cultural Heritage Ordinance which defines a historical or cultural monument as any site (including significant trees or other plant life located thereon) building or structure of particular historic or cultural significance to the City of Los Angeles, such as historic structures or sites in which the broad cultural, economic, or social history of the nation, State or community is reflected or exemplified, or which are identified with historic personages or with important events in the main currents of national, State or local history or which embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer or architect whose individual genius influenced his age.

DISCUSSION

The applicant has nominated the subject property for its association with Norma Jean Dougherty (Marilyn Monroe). Though Norma Jean did reside at the subject property when she was first discovered in December of 1944, she only resided at the property for one year and did not live in the unit during the productive period of her career. It was not until a few years later in 1948 when she would successfully break through into the film industry. Properties are designated as Historic-Cultural Monuments which are identified with historic personages when there is a direct connection to the property and the historic personage's time of productivity in the field for which they are significant. Though discovered by David Conover to model in military publications when she lived at the subject property, Marilyn Monroe did not achieve success in the film industry until several years after living at the Hermitage Avenue property. She also lived in a number of other residences throughout Los Angeles.

The applicant also believes the rear house on the property is a significant example of farmworker housing remaining in the West Lankershim area. At the turn of the century the land was developed mainly for agricultural uses, primarily fruit orchards. The 1939 permit indicates that a small square shaped building existed on the property, but there is not substantial evidence provided to confirm when the house was built. Furthermore, the original footprint of the building has changed over time with numerous additions altering the shape and floor plan significantly. The building does not retain integrity and does not embody distinguishing characteristics of early farmworker housing in the south Valley.

FINDINGS

Based on the facts set forth in the summary, discussion, and application, the Commission determines that the property is not significant enough to warrant further investigation as a potential Historic-Cultural Monument.

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

1. PROPERTY IDENTIFICATION

Proposed Monument Name: Dougherty House				Former residence of notable person(s)	
Street Address: 5258 Hermitage Avenue			Zip: 91607		Council District: 2
Range of Addresses on Property:			Community Name: Valley Village		
Assessor Parcel Number: 2347-023-001	Tract: Tract No. 9237			Block: N/A	Lot: 39
Proposed Monument Property Type: (●) Building	( ) Structure	( ) Object		( ) Site/ Open Space	( ) Natural Feature

2. CONSTRUCTION HISTORY & CONDITION

Year Built: 1940 (●) Factual ( ) Estimated	Threatened?: Private Development
Architect/Designer:	Contractor:
Original Use: Two Single Family Residences	Present Use: Two Single Family Residences
Is the Proposed Monument on its Original Site?: (●) Yes ( ) No ( ) Unknown	If "No," where?:

3. STYLE & MATERIALS

Architectural Style: Two Houses: Minimal Traditional & Vernacular	Stories: 1	Plan Shape: L-shaped
FEATURE	*PRIMARY*	*SECONDARY*
CONSTRUCTION	Type: Wood Cladding Material: Stucco & wide siding	Type: Wood Cladding Material: Board and Batten
ROOF	Type: Gable Material: Composition shingle	Type: Gabled Material: Rolled asphalt
WINDOWS	Type: Double-hung Material: Wood	Type: Double-hung Material: Wood
ENTRY	Style: Off-center Material: Wood	Style: Off-center Material: Wood

4. HISTORIC-CULTURAL MONUMENT CRITERIA

The proposed monument exemplifies the following Cultural Heritage Ordinance Criteria (Section 22.171.7):

- ✓ Reflects the broad cultural, economic, or social history of the nation, state or community
- ✓ Is identified with historic personage(s) or with important events in the main currents of national, state, or local history
- ✓ Embodies the distinguishing characteristics of an architectural-type specimen, inherently valuable for study of a period, style or method of construction
- ☐ A notable work of a master builder, designer, or architect whose individual genius influenced his or her age

5. ALTERATION SUMMARY

List **date** and write a **brief description** of work done for major alterations. This section may also be completed on a separate document. Be sure to include copies of building permits in the nomination packet (see Section 9. SUBMITTAL).

	Date	Description
1.	Unknown Date	Rear house built, possibly prior to annexation to Los Angeles.
2.	1939	Storage room added to front of rear house.
3.	1940	Main house and attached garage constructed.
4.	1994-95	Chimney replaced on main house with prefab unit following Northridge Earthquake.
5.		
6.		
7.		
8.		

6. EXISTING HISTORIC RESOURCE IDENTIFICATION (If known)

- ☐ Listed in the National Register of Historic Places
- ☐ Listed in the California Register of Historical Resources
- ☐ Formally determined eligible for the National and/or California Registers
- ☐ Located in a Historic Preservation Overlay Zone (HPOZ) — ○ Contributing feature ○ Non-contributing feature
- ☐ Determined eligible for national, state, or local landmark status by a historic resources survey(s) — *Survey Name(s):*

Other historical or cultural resource designation(s):

7. WRITTEN STATEMENTS

This section allows you to ***discuss at length*** *the significance of the proposed monument and why it should be nominated as a Historic-Cultural Monument. Type your responses on a separate document and attach sheets to the back of this form.*

A. Proposed Monument Description – Describe the proposed monument's physical characteristics and relationship to its surrounding environment. Identify and describe any character-defining elements, structures, interior spaces, or landscape features.

B. Statement of Significance – Address the proposed monument's historic, cultural, and/or architectural significance by discussing how it satisfies the HCM criteria selected in Section 4 (on the previous page). You must support your argument with substantial evidence and analysis.

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

8. CONTACT INFORMATION

Applicant

Name: Friends of Norma Jean	Company:	
Street Address: 12234 Chandler Boulevard, No. 7	City: Valley Village	State: CA
Zip: 91607	Phone Number: 818-448-5206	Email: historysoul@earthlink.net

Property Owner

Is the owner in support of the nomination? ◯ Yes ◉ No ◯ Unknown

Name: Hermitage Enterprises LLC	Company: c/o Joe Salem	
Street Address: 20555 Superior Street	City: Chatsworth	State: CA
Zip: 91311-4418	Phone Number: 818-341-0980	Email:

Nomination Preparer/Applicant's Representative

Name: Charles J. Fisher	Company:	
Street Address: 140 S. Avenue 57	City: Highland Park	State: CA
Zip: 90042	Phone Number: 323-256-3593	Email: arroyoseco@hotmail.com

9. RELEASE

Please read each statement and check the corresponding boxes to indicate that you agree with the statement.
Then, electronically or physically sign the bottom portion. Either the applicant or the preparer may sign.

☑ I acknowledge that all documents submitted will become public records under the California Public Records Act, and understand that the documents will be made available upon request to members of the public for inspection and copying.

☑ I acknowledge that all photographs and images submitted as part of this application will become the property of the City of Los Angeles, and understand that permission is granted for use of the photographs and images by the City without any expectation of compensation.

☑ I acknowledge that I have the right to submit or have obtained the appropriate permission to submit all information contained in this application.

Charles J. Fisher	4-16-2015	Charles J. Fisher	Digitally signed by Charles J. Fisher DN: cn=Charles J. Fisher, o, ou, email=arroyoseco@hotmail.com, c=US Date: 2015.04.16 03:31:42 -07'00'
Name:	Date:	Signature:	

10. SUBMITTAL

When you have completed preparing your nomination, compile all materials in the order specified below. Although the entire packet must not exceed 100 pages, you may send additional material on a CD or flash drive.

APPLICATION CHECKLIST

1. ✓ Nomination Form
2. ✓ Written Statements A and B
3. ✓ Bibliography
4. ✓ Two Primary Photos of Exterior/Main Façade
5. ✓ Copies of Primary/Secondary Documents
6. ✓ Copies of Building Permits for Major Alterations (include first construction permit)
7. ✓ Contemporary Photos
8. ✓ Historical Photos
9. ✓ ZIMAS Parcel Report

Mail the Historic-Cultural Monument Submittal to the Office of Historic Resources or email PDF to lambert.giessinger@lacity.org

Office of Historic Resources
Department of City Planning
200 N. Spring Street, Room 620
Los Angeles, CA 90012
Phone: 213.978.1200
Website: preservation.lacity.org

Dougherty House
Architectural Description

This single story residence has a somewhat "L"-shaped plan the main house has a cross gable. An attached garage is to the left of the rear wing. The house is Minimal Traditional in style, but also displays some elements of the California Ranch Style. The side gabled roof is covered with composition shingles. The front facade is dominated by an open porch offset to the left, which is supported by two sets of two thin square columns with square capitals and bases. A pair of simple double wooden bands is located approximately 8 inches below the top on each, giving the illusion of larger capitals.

A tripartite set of duel light double hung windows is at the left side of the porch, with a single double hung window around the corner on the North facade. The main entry is at the right of the porch, the paneled wooden door obscured by a security screen. The under porch walls are clad with wide vertical siding.

A stucco covered chimney (replaced after the 1994 Northridge Earthquake) is located on the North elevation, to the right of the gable peak. The lower part of the house, outside of the porch, is clad in smooth stucco with wide horizontal tongue and groove siding covering the pediments of the gables. Small vertical vents are found below the apex of the gables. The chimney is flanked by single double hung windows with the front one (already noted in the porch description) being topped with an aluminum awning, as is a side entrance to the left of the other window. A duel set of double hung windows is to the left of the entry door.

The attached garage is facing North and has a front to rear gable with the same tongue and groove siding on the pediments and smooth stucco covering as the rest of the house. The wooden garage door faces North, toward Weddington Street. There is a rear patio, covered with an aluminum awning, to the left of the garage, with a rear entrance to the house immediately to the left of the garage.

The rear house appears to be of a single wall construction, of either a board and batten or a tongue and groove design. The building appears to have been cobbled together with a well defined Western portion, with a North-South facing gable with horizontal clapboard siding on the pediments and the West elevation. There is a less defined East-West gable on the East end of the house. These portions are connected by a flat roofed section. There are covered porches on the West and

North facades of this three sectioned portion. A North-South gabled addition is at the East end of the North facade. That portion, originally built as a storage area, is the only portion of the house that a building permit has been found for, dating from 1939. The roof is of rolled composition

The entrance is facing to the North under a small overhanging wooden porch covering, to the left side of the facade. Windows are mostly double hung of various styles, along with some wooden casements.

There is no interior description available for either house, but according to prior observations from neighbors who have been inside the main house, interior features include hardwood floors and a decorative carved band set into the walls several of the rooms as well as fine tile work in the kitchen and bathroom, neither of which have been remodeled. No interior observations are available for the back house, but it is probably fairly simple.

The perimeter of the lot is partially surrounded by a low stone wall topped by a low picket fence. The landscaping, which is now overgrown with weeds, displays several well trimmed bushes at various locations on the property.

All of these observations were made from the street, peering through opening in or taking photos over an opaque construction fence that is erected around the property.

Dougherty House
5258 N. Hermitage Avenue
Significance Statement

The main significance of the Dougherty House is the fact that Norma Jean Dougherty, later known as Marilyn Monroe, was living in the rear house at the time she was discovered by photographer David Conover, who encouraged her to follow a career in modeling, which soon led to her work in the movie industry.

However, the rear house, which the Dougherty's rented in the 1940s, is also significant as an early example of early workers housing for the orchard industry that existed in the West Lankershim area during the early years of the 20th Century.

The story of Marilyn Monroe was certainly one of rags to riches, which was eventually to end tragically with her death in 1962. Born Norma Jean Mortenson on June 1, 1926 at the County Hospital in Lincoln Heights, she grew up with the surname of Baker, her mother's ex-husband's name that she still used, in spite of being married and separated from Martin Edward Mortensen at the time of her daughter's birth. There is still uncertainty of who her real father was.

As her mother, Gladys, was unable to adequately care for her, Norma Jean was raised by a series of foster parents. One was her mother's friend, Grace McKee, who convinced the young girl that she would someday be a movie star. Grace was fascinated with Jean Harlow, who would die tragically of pneumonia at 26, just six days after Norma Jean's 11th birthday. Grace married Ervin Silliman "Doc" Goddard in 1935 and the new husband was soon accused of sexually assaulting Norma Jean. She then lived in several foster homes and then come back to Grace and "Doc", where the problem soon began anew.

She was then sent to live with a great aunt, but was assaulted by a cousin, so she was sent to live with another aunt, Ana Lower, in Van Nuys, a period which was one of her few stable ones as she was growing up. However, Ana began to develop some health problems and in 1942 she moved back to Grace and "Doc" Goddard's place. While there, she met and started dating a neighbor boy, 20 year old James Edward Dougherty. A bit later, "Doc" Goddard received a lucrative job offer in West Virginia and he and Grace moved there without taking Norma Jean with them.

At Grace's urging, the 16 year old Norma Jean married Jim so she would not be forced back into the foster system. In 1943, Jim enlisted in the Merchant Marine and was soon stationed on Catalina Island, where his wife lived with him in

Avalon. After several months, Jim was shipped out to the Pacific on April 18, 1944 and Norma Jean went to live with her Mother-in-Law, Ethel Dougherty, who was renting the rear house from John L. and Helen K. Humphrey.

Ethel soon found her son's young wife a job at the Radio Plane Munitions Factory, mostly spraying airplane parts with fire retardant and inspecting parachutes. The factory was owned by British born movie star Reginald Denny, who had flown in World War I and was later a stunt pilot. While working there, she was picked as a model for morale boosting photos by David Conover, who had been sent to the factory by his commanding officer, army publicist, Captain Ronald Reagan, the actor and future President.

Canover shot a number of photos of Norma Jean and he encouraged her to register with the Blue Book Modeling Agency. She quickly became one of Blue Book's most popular models, appearing on numerous magazine covers, and was soon noticed by Ben Lyon of Twentieth Century Fox who arranged for a screen test. She had moved out of the Hermitage house during the Summer of 1945, as her career began to take off. In September of 1946, she divorced Jim Dougherty.

At the behest of the studio, she took the stage name of Marilyn Monroe, using her mother's maiden name and a first name suggested by studio executives.

While Marilyn was not discovered at the Hermitage House, it is the location of her residence at the time of her discovery. It is significant because she was living there at the behest of her in-laws and it was where she was living when Ethel Dougherty got her the job that led to her discovery a few months later, while still living there.

The modest rear house that Norma Jean lived in has another story to tell. It was built around 1912, seven years prior to the annexation of the area, then known as West Lankershim, to the City of Los Angeles. There is no building permit on file for the structure, except for a 1939 addition at the Northeast corner of the house. The 1937 Van Nuys Directory shows a watchman named William L. Campbell living at the address of 5254 Hermitage Avenue, the historic address for the small house. This has led to speculation that the back house may have been built around 1930, as noted in a report produced by Architectural Resources Group in March of 2015.

In 1912, the land that now comprises Tract No 9237 was owned by Eugene D. Hall. The first improvement value for that land appears that year, as does an orchard, which at that time, was still shown as a separate assessment. The improvement value increased modestly in 1918 and then again in 1920. The land was outside the city and no permits were issued by the County at that time. The valuation takes a sharp drop to $150.00 in 1926, the year that the new Tract was

prior to the subdivision of Tract No. 9237 by the California Trust Company, possibly as farm workers housing. This makes it a rare example of this type of housing that dotted the San Fernando Valley prior to the building boom after the second World War.

As already noted, the California Trust Company sold the property to Clement B. Nash in 1938. On September 30, 1940, Nash deeded the lot to movie actor Lewis W. Sargent and his wife, Mary, who had been renting the little house from Nash when he built the storage room on to the front of the house in 1939. On the day they closed escrow for the land, the Sargents took out the building permit for the main house, which was constructed by contractor Albert S. King. They lived in the new house only for about two years, deeding it to Robert and Barbara L. Williams on January 11, 1943.

The Williams flipped the house to John L. and Helen K. Humphrey on February 10, 1944. Humphrey was an aeroworker and may have been working for Radio Plane Munitions when Norma Jean was there. The 1944 City Directory shows the Humphreys living in the front house, while the Doughertys were living in the rear house.

The Humphreys sold the property to Francis D. Gonda and his wife, Frances on October 14, 1946, shortly after Marilyn's divorce from Jim Dougherty. The Gondas sold it to Robert G. Van Remmen on November 17, 1950.

On June 6, 1952, the houses were purchased by Domonic Lewis Affatato and his wife, Lillian, who were to live there together until he passed away on August 13, 1986. Lillian remained in the house until she passed away there on November 1, 2007, at the age of 92. The Affatatos were the only owners at the Hermitage House to live their lives at the address.

The Dougherty House is significant because of it being the home of Nora Jean Dougherty at the time she was discovered by Hollywood and became the legendary star Marilyn Monroe. This rear house is also significant as an example of farm workers housing during the early agrarian history of the San Fernando Valley.

filed. At that time the valuation disappears. It does not appear again until 1939, the year the addition was built. However, the City Directories do call out the watchman living on Lot 39.

In 1930, the property, Lot 39 of Tract No. 9237, was stilled owned by the California Trust Company, the original sub divider of the tract in 1926. The property was not sold until February 21, 1938, when it was transferred to Clement B. Nash, a plumbing supply salesman, who continued to live at his home in Long Beach. It is unlikely that the city of Los Angeles would have approved the permit for the 1939 addition if the house was known to have been constructed nine years earlier without a permit. The simple Folk-style vernacular design of the house indicates that it may be an earlier structure.

Tract No. 9237 was subdivided in 1926 out of a portion of 40 acre Lot 153 of the Property of the Lankershim Ranch Land and Water Company, which was subdivided in 1887 by a land syndicate headed by J. B. Lankershim along with 8 other investors which included the town site of Toluca.

On April 1, 1888, the Company offered ready-made small farms for sale, already planted with deep-rooted deciduous fruit and nut trees—mostly peaches, pears, apricots, and walnuts—that could survive the rainless summers of the Valley by relying on the high water table along the Pacoima River (now known as Tujunga Wash), rather than surface irrigation. The company also offered leases for farm land as well.

The land boom of the late 1880s went bust in 1889, followed by a brutal drought cycle in the late 1890s. However, the fruit and nut farmers remained solvent. The Toluca Fruit Growers Association was formed in 1894. The next year the Southern Pacific opened a branch line slanting northwest across the Valley to Chatsworth. The Chatsworth Limited made one freight stop a day at Toluca, though the depot bore the new name of Lankershim. With the Post Office across the street called Toluca, controversy over the town's name continued and the local ranchers used to quip, "Ship the merchandise to Lankershim, but bill it to Toluca." In 1896, under pressure from J. B. Lankershim, the post office at Toluca was renamed "Lankershim" after his father, although the new name of the town would not be officially recognized until 1905. West Lankershim (more or less today's Valley Village) agreed to be annexed to the City of Los Angeles in 1919. Lankershim proper was annexed to the City in 1923 and subsequently renamed North Hollywood.

The lot was divided into four 10-acre sections at the time the tact was laid out. A full title search of Lot 155 revealed that the small rear house was originally built around 1912, prior to the 1919 annexation of West Lankershim to the City and also

City of Los Angeles
Department of City Planning

6/4/2015
PARCEL PROFILE REPORT

PROPERTY ADDRESSES

5258 N HERMITAGE AVE

ZIP CODES

91607

RECENT ACTIVITY

None

CASE NUMBERS

CPC-1986-446-GPC
ORD-183497
ORD-168613
ORD-165108-SA5030
DIR-2014-2511-SPP
TT-72725-CN
ENV-2014-2510-EAF

Address/Legal Information	
PIN Number	171B165 336
Lot/Parcel Area (Calculated)	7,595.7 (sq ft)
Thomas Brothers Grid	PAGE 562 - GRID F2
Assessor Parcel No. (APN)	2347023001
Tract	TR 9237
Map Reference	M B 126-78
Block	None
Lot	39
Arb (Lot Cut Reference)	None
Map Sheet	171B165
Jurisdictional Information	
Community Plan Area	North Hollywood - Valley Village
Area Planning Commission	South Valley
Neighborhood Council	Valley Village
Council District	CD 2 - Paul Krekorian
Census Tract #	1249.03
LADBS District Office	Van Nuys
Planning and Zoning Information	
Special Notes	None
Zoning	[Q]R3-1
Zoning Information (ZI)	ZI-2443 Neighborhood Conservation ICO - Valley Village
General Plan Land Use	Medium Residential
General Plan Footnote(s)	Yes
Hillside Area (Zoning Code)	No
Baseline Hillside Ordinance	No
Baseline Mansionization Ordinance	No
Specific Plan Area	Valley Village
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
POD - Pedestrian Oriented Districts	None
CDO - Community Design Overlay	None
NSO - Neighborhood Stabilization Overlay	No
Streetscape	No
Sign District	No
Adaptive Reuse Incentive Area	None
CRA - Community Redevelopment Agency	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

Assessor Information	
Assessor Parcel No. (APN)	2347023001
Ownership (Assessor)	
Owner1	SALEM,JOE
Address	20555 SUPERIOR ST CHATSWORTH CA 91311
Ownership (City Clerk)	
Owner	SALEM, JOE
Address	5258 HERMITAGE AVE VALLEY VILLAGE CA 91607
APN Area (Co. Public Works)*	0.174 (ac)
Use Code	0200 - 2 units (4 stories or less)
Assessed Land Val.	$499,790
Assessed Improvement Val.	$125,457
Last Owner Change	12/06/13
Last Sale Amount	$613,006
Tax Rate Area	13
Deed Ref No. (City Clerk)	574
	225589
	1998395
	1728040
	1728039
	1378381
	1191622-23
Building 1	
Year Built	1940
Building Class	D45B
Number of Units	1
Number of Bedrooms	0
Number of Bathrooms	1
Building Square Footage	497.0 (sq ft)
Building 2	
Year Built	1940
Building Class	D55B
Number of Units	1
Number of Bedrooms	2
Number of Bathrooms	1
Building Square Footage	936.0 (sq ft)
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Additional Information	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Oil Wells	None
Seismic Hazards	

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	4.22517384276844
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	Yes
Tsunami Inundation Zone	No
Economic Development Areas	
Business Improvement District	None
Renewal Community	No
Revitalization Zone	None
State Enterprise Zone	None
State Enterprise Zone Adjacency	No
Targeted Neighborhood Initiative	None
Public Safety	
Police Information	
Bureau	Valley
Division / Station	North Hollywood
Reporting District	1543
Fire Information	
Division	3
Batallion	14
District / Fire Station	60
Red Flag Restricted Parking	No

CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-1986-446-GPC
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s):	PLAN AND ZONE CONSISTENCY - NORTH HOLLYWOOD (JON PERICA)
Case Number:	DIR-2014-2511-SPP
Required Action(s):	SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE
Project Descriptions(s):	PROJECT PERMIT COMPLIANCE PURSUANT TO 11.5.7 C OF LAMC FOR THE VALLEY VILLAGE SPECIFIC PLAN AND A TENTATIVE TRACT (NO. 72725) PURSUANT TO LAMC SECTION 17.06 TO ALLOW THE CONSTRUCTION,USE, AND MAINTENANCE OF A NEW 2-STORY 5-UNIT CONDOMINIUM WITH A BASEMENT PARKING GARAGE OF 10 PARKING SPACES AND 2 GUEST PARKING IN THE [Q] R3-1 ZONE.
Case Number:	TT-72725-CN
Required Action(s):	CN-NEW CONDOMINIUMS
Project Descriptions(s):	2 STORY 5 UNIT CONDOMINIUM W/13 TOTAL PARKING SPACES
Case Number:	ENV-2014-2510-EAF
Required Action(s):	EAF-ENVIRONMENTAL ASSESSMENT
Project Descriptions(s):	Data Not Available

DATA NOT AVAILABLE

ORD-183497

ORD-168613

ORD-165108-SA5030

ZIMAS INTRANET

2011 Digital Color-Ortho

06/04/2015

City of Los Angeles
Department of City Planning

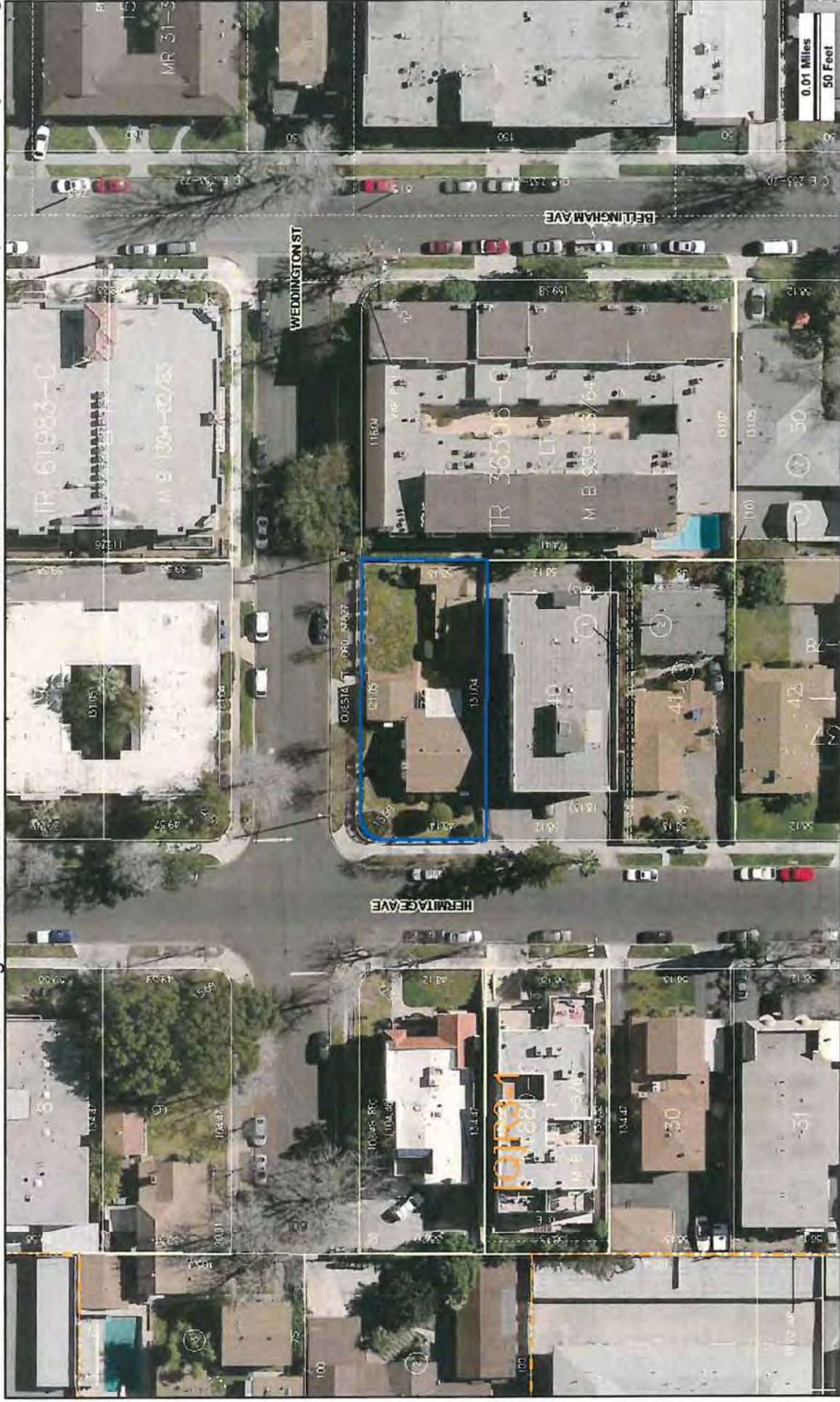
WEDDINGTON ST

HERMITAGE AVE

BELLINGHAM AVE

[Q]R3-1

0.01 Miles

50 Feet

Address: 5258 N HERMITAGE AVE
APN: 2347023001
PIN #: 171B165 336

Tract: TR 9237
Block: None
Lot: 39
Arb: None

Zoning: [Q]R3-1
General Plan: Medium Residential

Dougherty House
Photographs

Dougherty House, front house, 5258 Hermitage Avenue, February 13, 2015 (Photograph by Charles J. Fisher)

Dougherty House, rearhouse, 5254 Hermitage Avenue, February 13, 2015 (Photograph by Charles J. Fisher)

Dougherty House, front house, 5258 and 5254 Hermitage Avenue, 2013 (Photograph by Google Earth)

Dougherty House, current street view, 5258 Hermitage Avenue, February 13, 2015 (Photograph by Charles J. Fisher)

Dougherty House, rear house, 5254 Hermitage Avenue, February 13, 2015 (Photograph by Charles J. Fisher)

Dougherty House, front facade showing picket fence 5258 Hermitage Avenue, c2011 (MLS Photograph)

Dougherty House, fear facade of front house, 5258 Hermitage Avenue, February 13, 2015 (Photograph by Charles J. Fisher)

Dougherty House, porch column detail of front house, 5258 Hermitage Avenue, Feb. 13, 2015 (Photograph by Charles J. Fisher)

Dougherty House, South facade of front house, 5258 Hermitage Avenue, March 9, 2015 (ARG Photograph)

Dougherty House, front porch of front house, 5258 Hermitage Avenue, 2011 (MLS Photograph-poor quality from pdf)